



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: OCTOBER 11, 2024

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MATTHEW SUMMERS, CITY ATTORNEY

SUBJECT: INTRODUCTION OF ORDINANCE NO. 2024-409, ADDING CHAPTER 3.58 TO TITLE 3 OF THE CALABASAS MUNICIPAL CODE TO ESTABLISH AN ADMINISTRATIVE REMEDIES PROCEDURE FOR CHALLENGES TO FEES, CHARGES, AND ASSESSMENTS

MEETING DATE: OCTOBER 23, 2024

SUMMARY RECOMMENDATION

The City Attorney recommends that the City Council introduce and waive the first reading of Ordinance No. 2024-409, which adds Chapter 3.58 to Title 3 of the Calabasas Municipal Code to establish an administrative remedies procedure for challenges to fees, charges, and assessments.

BACKGROUND

Assembly Bill 2257 (2024) (adding Government Code sections 53759.1 and 53759.2) provides the City with a new tool to defend against challenges to fees, charges, and assessments adopted under Prop. 218 (Cal. Const., Art. XIII D). If the City follows certain procedures, a ratepayer who fails to submit a written objection **before** the close of the Prop. 218 protest hearing will be barred from challenging the fee, charge, or assessment later on.

The California Constitution grants the City additional authority to enforce any local, police, sanitary, or other ordinance not in conflict with general laws, and to establish and operate public works upon conditions and under regulations that the City may prescribe. (Cal. Const., Art. XI, §§ 7, 9.) Based on this authority, the ordinance also requires objections be timely submitted to challenge fees or charges adopted under Article XIII C of the California Constitution, any assessment on real property, or the methodology used to develop any fee, charge, or assessment.

This ordinance establishes the process the City must follow to limit challenges in this way.

The City must:

1. Make the proposed fee, charge, or assessment publicly available at least 45 days before the deadline for submitting written objections;
2. Post a written basis for the proposed fee, charge, or assessment on the City's website and include a link to that website on public hearing notices sent to ratepayers or property owners;
3. Mail the written basis for the proposed fee, charge, or assessment to ratepayers or property owners upon request;
4. Provide at least 45 days for ratepayers or property owners to submit written objections to the fee, charge, or assessment;
5. Respond in writing to any timely submitted objections with an explanation for keeping or changing the proposed fee, charge, or assessment;
6. Present any timely submitted objections and responses thereto to the City Council for its consideration, either before or during the public hearing on the proposed fee, charge, or assessment;
7. Include on its public hearing notices a statement in bold-faced type of 12 points or larger:
 - a. That all written objections must be submitted to the City Clerk by the end of public comment period at the hearing, that a failure to timely object in writing bars any right to challenge that fee, charge, or assessment in court, and that any such action will be limited to issues identified in such objections; and
 - b. All substantive and procedural requirements for submitting an objection to the proposed fee, charge, or assessment.

FISCAL IMPACT/SOURCE OF FUNDING

The introduction and adoption of Ordinance No. 2024-409 are not expected to have any significant fiscal impact on the City's budget. Any costs associated with the implementation and enforcement of the new regulations will be absorbed within the existing budget.

REQUESTED ACTION

Introduce and waive first reading of Ordinance No. 2024-409, adding Chapter 3.58 to Title 3 of the Calabasas Municipal Code to establish an administrative remedies procedure for challenges to fees, charges, and assessments.

ATTACHMENTS

- A. Ordinance No. 2024-409