



Agenda Item: 9.C
Date of Meeting: January 26, 2026
Department: Public Works

STAFF REPORT

To: City Council
From: Nora Gamino
Subject: **A Resolution Approving Guidelines for the Submission and Tabulation of Protests in Connection with Rate Hearings**
Prepared On: January 13, 2026
Attachments: Reso No. 2026-XX Majority Protest Tabulation

Background/History:

Article XIID, Section 6 of the California Constitution (Proposition 218) requires the City Council to consider written protests when conducting public hearings on proposed utility rate adjustments. While the Constitution establishes the majority-protest requirement, it does not provide detailed procedures regarding who may submit protests, how protests are submitted, or how protests are tabulated.

Historically, the City has relied on past practices and general legal guidance when administering Proposition 218 protest proceedings. However, the absence of formally adopted local guidelines can create ambiguity and inconsistency, particularly when administering complex or high-volume protest tabulations.

Analysis/Discussion:

The proposed resolution formally adopts written guidelines establishing clear, transparent, and legally defensible procedures for the submission and tabulation of written protests associated with Proposition 218 rate hearings. The guidelines address, among other items, protest eligibility, submission requirements, withdrawal of protests, validity determinations, and the City Clerk's role in tabulating and reporting protest results.

Adoption of these guidelines provides clarity to ratepayers, ensures consistent administrative practices, and reduces legal risk by documenting the City's procedures in advance of rate hearings. Upon adoption, the resolution supersedes any prior resolutions or informal practices related to protest tabulation.

Budget Impacts:

Adoption of the resolution does not result in any direct fiscal impact.

Legal Review:

City Attorney Pucci has reviewed this item and finds that the recommended action complies with the law.

Recommended Action:

Council consideration to adopt a Resolution approving Guidelines for the Submission and Tabulation of Protests in connection with rate hearings conducted pursuant to Article XIID, Section 6 of the California Constitution.

Approved By: Ethan Aukee 1/13/2026

Approved By: Robin Picken 1/16/2026

Approved By: Pam Foster 1/21/2026

Approved By: