
**PROCEDURES FOR THE CONDUCT OF A
MAIL BALLOT ELECTION
RELATING TO A PROPOSED
STORM DRAIN FEE INCREASE**

The following procedures have been adopted by the City Council of the City of Manhattan Beach for the purpose of conducting all proceedings required by Article XIID of the California Constitution and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 et seq.) for consideration of a proposed storm drain fee increase. Where no specific procedures are imposed by Article XIID, or the Proposition 218 Omnibus Implementation Act, these procedures shall apply.

I. PROCEDURES FOR THE CONDUCT OF A PROPERTY-RELATED FEE ELECTION

A. Definitions

1. “Assessment Roll” means the last Los Angeles County equalized secured property tax assessment roll.
2. “Identified Parcel” means the parcel to which the Proposed Increase will apply.
3. “Master List” means a list of all parcels to which the Proposed Increase is to apply, and the amount of the Proposed Increase for each parcel.
4. “Proposed Increase” means a proposed increase to the existing storm drain fee, including any proposed inflation adjustment.
5. “Record Owner” means the owner of an Identified Parcel whose name and address appears on the last Assessment Roll, or in the case of any public entity, the State of California, or the United States, means the representative of that public entity at the address of that entity known to the City.

B. Eligibility to Vote

1. Any Record Owner may vote for or against the Proposed Increase. The Record Owner shall have one vote for each parcel.
2. If the current owner of any Identified Parcel is not shown on the Assessment Roll, such owner may complete the ballot by filing with the City Clerk evidence of ownership satisfactory to the City Attorney. Any such evidence must be received by the City Clerk prior to election.
3. When an Identified Parcel is held by, a partnership, as community property, in joint tenancy, or as a tenancy in common, any partner, spouse, joint tenant, or tenant in common, as the case may be, may complete the ballot.
4. An executor, administrator, or guardian may complete the ballot for an Identified Parcel on behalf of the estate it represents. If such representative is shown on the Assessment Roll as paying taxes and assessments levied against the parcel, that fact shall establish the right of such representative to complete the ballot. If such representative is not shown on the Assessment Roll, the representative must file with the City Clerk written documentation satisfactory to the City Attorney establishing the legal representation. Any such documentation must be filed with the City Clerk prior to the election date.
5. When an Identified Parcel is held by, a corporation or unincorporated association, the ballot may be completed by any person authorized in writing by the board of directors or trustees or other managing body thereof to take such

actions. The corporation or unincorporated association must file with the City Clerk written authorization satisfactory to the City Attorney. Any such written authorization must be filed with the City Clerk prior to the election date.

C. The following guidelines shall apply to the conduct of the election:

1. The City Clerk shall be responsible for the conduct of the election governed by these procedures. The City Clerk may designate one or more persons as election officials, to assist the City Clerk in canvassing the ballots.
2. The election shall be by mailed ballot. Not less than 45 days prior to the date of the mail ballot election, election materials shall be mailed to the Record Owner of each parcel to which the Proposed Increase applies. The election materials shall be mailed to the mailing address for the Record Owner as shown on the Assessment Roll. The mailing envelope containing the election materials shall include on its face, in no smaller than 16-point bold type, the words "OFFICIAL BALLOT ENCLOSED."
3. The Record Owner shall have one vote for each parcel. The City Clerk shall use the Master List, the eligible voter for each parcel, and the voter's address. The determination of eligibility for voting shall be in accordance with section B of these procedures.
4. The ballot and election materials, described below, along with a stamped, self-addressed return envelope, shall be mailed to the Record Owner, by depositing them in the U.S. Mail, first class, postage prepaid, on or before the 45th day prior to the date set for the election.
5. The ballot shall be nonforwardable. Any ballot that is returned to the City Clerk shall not be forwarded by the City Clerk.
6. The City Clerk, or the delegate of the City Clerk, may certify the proper mailing of ballots by an affidavit, which shall constitute conclusive proof of mailing in the absence of fraud.
7. Whenever the City Clerk is required to mail a ballot to any address outside the territorial limits of the United States, the City Clerk shall mail the ballot airmail and, if under any law of the United States, official election ballots may be mailed without the payment of postage, the City Clerk shall so mail the ballot.
8. The City Clerk shall send a second ballot to any qualified voter upon receipt of a statement under penalty of perjury that the voter has failed to receive, lost, or destroyed his or her original ballot. The City Clerk shall keep a record of each ballot sent to and received from a voter and shall verify, prior to counting any duplicate ballot, that the voter, has not attempted to vote twice,

or that another person has not attempted to vote on behalf of the particular parcel. If it is determined that a voter has attempted to vote twice, or that more than one vote has been attempted for the same parcel, both ballots shall be void.

9. All ballots shall be voted on or before the day of the election. After marking the ballot, the voter shall either: (a) return the ballot by mail or (b) return the ballot in person to the City Clerk.
10. Upon receipt of the ballot in its envelope, the City Clerk shall compare the property identification and name on the envelope containing the ballot and the signature of the voter certifying that he or she is authorized to sign the envelope on behalf of that property, with the Master List of eligible voters. If the City Clerk determines that the ballot in its envelope has been completed by a person not on the Master List, as may be adjusted pursuant to Section B above, the ballot shall be rejected and shall not be counted. The cause of the rejection shall be written on the face of the identification envelope.

The City Clerk will not accept a ballot:

- (i) that is a photocopy;
- (ii) enclosed in an envelope that does not contain an original signature;
- (iii) that lacks an identifiable “yes” or “no” vote.

No ballot shall be removed from its identification envelope until the time for processing. No ballot shall be rejected for cause after the envelope has been opened.

11. All ballots shall be received by the City Clerk no later than [5:00] p.m. on election day. Postmarks do not count.
12. The form of the ballot shall be as follows:
 - (i) The ballot shall contain the following ballot measure:

To provide the City of Manhattan Beach with funds to operate, maintain, repair and construct capital improvements to the City’s storm drain system, shall the proposed increase to the existing storm drain fee, including the inflation adjustment index, be approved, until repealed by the voters?	YES _____ NO _____
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- (ii) The ballot may be preprinted in a manner so as to allow machine tabulation of the votes.

- (iii) Because this is a property owner election, all ballots will be in English.
- 13. The election materials shall include all supplies necessary for the use and return of the ballot. The election materials may, but need not, contain a voter information pamphlet.
- 14. The identification envelope for return of the ballot shall contain the following:
 - (i) The name of the property owner.
 - (ii) The address of the property owner.
 - (iii) A declaration, under penalty of perjury, stating that the voter is the owner of record or the authorized representative of the owner(s) entitled to vote and is the person whose name appears on the identification envelope.
 - (iv) Space for the voter to print his or her name and for the signature of the voter.
 - (v) The date of signing and place of execution of the declaration described in paragraph (iii).
 - (vi) A notice that the envelope contains an official ballot and is to be opened only by the appropriate election officials.
- 15. The ballot envelope shall be in a form that conceals its contents once it is sealed by the person submitting it, and shall remain sealed until the ballot tabulation.
- 16. To the extent not covered by these procedures, the voting shall be consistent with the provisions of the Elections Code, insofar as the City Clerk determines such provisions are applicable to these proceedings and are not inconsistent with Article XIID of the California Constitution and the Proposition 218 Omnibus Implementation Act.

D. The following guidelines shall apply to the conduct of post-election proceedings:

- 1. Not later than 30 days after the election, the City Clerk shall transmit to the Council a written notification as to the results of the election.
- 2. If the election results indicate that a majority of the voters voting upon the fee increase voted in favor of the increase, the City Council may adopt the fee increase by resolution or ordinance.