

DRAFT RESOLUTION NO. 19-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO FINDING THAT A MAJORITY PROTEST DOES NOT EXIST AND DIRECTING A PROPERTY OWNER BALLOT PROCEEDING FOR THE CITY'S 2019 CLEAN WATER AND STORM PROTECTION FEE, A PROPERTY-RELATED FEE CONFORMING TO ARTICLE XIII D, SECTION 6 OF THE CALIFORNIA CONSTITUTION

WHEREAS, on March 5, 2019, the City Council of the City of Cupertino adopted Resolution 19-022 initiating proceedings to obtain approval of the proposed new 2019 Clean Water and Storm Protection Fee ("fee"), which is a property related fee conforming to Article XIII D, Section 6 of the California Constitution; approving the Fee Report for the 2019 Clean Water and Storm Protection Fee ("Fee Report," dated February 2019); and setting a public hearing before the City Council on May 7, 2019 in the City Council Chambers at 10350 Torre Avenue, Cupertino, CA 95014 at 6:45 pm to consider all property owner protests to the proposed fee; and

WHEREAS, on March 5, 2019, the City Council of the City of Cupertino adopted Resolution 19-023 adopting ballot procedures applicable to the proposed fee pursuant to Article XIID, Section 6(c) of the California Constitution; and

WHEREAS, pursuant to the provisions of Article XIII D of the California Constitution, the City has provided 45-day written mailed notice to each record owner of parcels of real property subject to the 2019 Clean Water and Storm Protection Fee of a public hearing, which was held at a regular meeting of the City Council on May 7, 2019 at 6:30 pm in the City Council Chambers on the issue of whether the proposed property related fee should be levied and collected as proposed in the Fee Report for Fiscal Year 2019-20; and

WHEREAS, the mailed notice of the public hearing contained the following information: (a) the total amount of fee proposed to be levied for fiscal year 2019-20; (b) the fee chargeable to each owner's parcel; (c) the reason for the 2019 Clean Water and Storm Protection Fee; (d) the basis upon which the amount of the proposed 2019 Clean Water and Storm Protection Fee was calculated; (e) the date, time and place of the public hearing as specified in this resolution; and (f) a summary of the effect of a majority protest.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cupertino as follows:

SECTION 1. **Tabulation of the Written Protests.** The tabulation of written protests by the City Clerk is complete. A total of _____ written protests have been submitted representing _____% of the 16,602 identified parcels subject to the 2019 Clean Water and Storm Protection Fee. Therefore, the City Council hereby finds that a majority protest does not exist as defined in Section 6(a)(2) of Article XIID of the California Constitution and Sections 53755(b) and (d) of the California Government Code with respect to the proposed Clean Water and Storm Protection Fee

SECTION 2. **Voter Approval for the 2019 Clean Water and Storm Protection Fee.** Pursuant to the provisions of Article XIII D, Section 6(c) of the California Constitution, the City of Cupertino shall conduct a ballot proceeding to obtain property owner approval of the 2019 Clean Water and Storm Protection Fee consistent with the procedures described in Resolution No. 19-023.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 7th day of May by the following vote:

<u>Vote</u>	<u>Members of the City Council</u>
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AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Grace Schmidt, City Clerk

Steven Scharf, Mayor, City of Cupertino

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