

ORDINANCE NO. 2012-009

Adopted by the Sacramento City Council

March 20, 2012

AN ORDINANCE AMENDING SECTIONS 3.44.030 AND 3.44.040 OF THE SACRAMENTO CITY CODE, RELATING TO MAILED BALLOT PROCEDURES FOR ASSESSMENTS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

A. Subsection D of Section 3.44.030 of the Sacramento City Code is amended to read as follows:

D. Each notice required to be given pursuant to this chapter shall contain all of the following provisions, in addition to any further requirements specified in any applicable state law governing the proceedings:

1. The amount proposed to be charged as an assessment for the specific parcel;
2. The total amount of the assessment proposed to be charged to the assessment district;
3. The length of time that the proposed assessment will be in place;
4. The reason or reasons for the assessment and the basis upon which the proposed assessment for the specific parcel was calculated;
5. The date, time and location of the public hearing on the proposed assessment;
6. The address at which the engineer's report and other materials pertinent to the assessment may be reviewed, and the period of time during which the review may take place;
7. A ballot substantially in the form set forth below:

Parcel No. _____ [city fills in from assessor roll]

Record owner: _____ [city fills in from assessor roll]

Address: _____ [city fills in from assessor roll]

_____ Yes, I approve of the proposed annual assessment of \$_____ [preprinted] on the parcel identified in this ballot.

_____ No, I do not approve of the proposed assessment on this parcel.

The undersigned swears under penalty of perjury that the undersigned is the record owner of the parcel identified above or is the authorized representative of the record owner.

Record owner or authorized representative of owner entity

This ballot is to be returned to: City Clerk, City of Sacramento, 915 I Street, Sacramento, CA 95814, sealed in the envelope included with this ballot.

8. A summary of the ballot procedure specified in Section 3.44.040 of this chapter, with instructions for the completion, sealing and return of the ballot; and

9. A return envelope preprinted as required by Section 3.44.040 of this chapter for the return of the ballot. The envelope shall have a brief statement printed in the upper right corner indicating return postage is required.

B. Except as amended in Section A above, Section 3.44.030 is unchanged and remains in full force and effect.

SECTION 2.

Section 3.44.040 of the Sacramento City Code is amended to read as follows:

3.44.040 Ballot Procedures

- A. The ballot shall be included with the mailed notice, and shall be in the form specified in Section 3.44.030 of this chapter, with the information as to parcel number, owner name and address, and proposed parcel assessment filled in.
- B. A return envelope also shall be included with the mailed notice. The envelope shall be preprinted with the return address of the city clerk.
- C. The notice specified in Section 3.44.030 of this chapter shall set forth instructions for completion, sealing and return of the ballot. Returned ballots that are not sealed, or that are not properly signed, shall be rejected.
- D. Ballots may be returned by mail, in person at the office of the city clerk, or in person at the public hearing on the proposed assessment; provided, however, that all ballots must be returned prior to the close of the public hearing on the proposed assessment. In the event that the public hearing has been opened and continued to another date or

dates, ballots may be returned through and including the said date or dates, and until the close of the hearing.

- E. The city clerk shall receive and retain unopened all returned ballots, whether such ballots be returned by mail or in person before or during the hearing.
- F. Upon close of the public hearing, or as soon thereafter as is reasonably possible, the city clerk shall open the ballots. Upon verification of the signature and other information, those ballots which have been properly and timely returned and not rejected shall be tabulated by the city clerk. Tabulation shall be in accordance with the following procedures:
 - 1. The dollar amount of the assessments attributable to all of those ballots in favor of the assessment shall be totaled;
 - 2. The dollar amount of the assessments attributable to all of those ballots in opposition to the assessment shall be totaled;
 - 3. If ballots submitted against the assessment exceed the ballots submitted in favor of the assessment, weighted according to the proportional financial obligation of each affected property, the City Council shall not impose or increase the assessment. In the case of an increase in an existing assessment, which existing assessment is exempt from mailed ballot requirements, the failure of those submitting ballots to approve the increase shall have no effect upon the existing assessment.
 - 4. All ballots, including those which were rejected for noncompliance with the requirements of this chapter, shall be retained by the city clerk for a period of two years.
 - 5. Nothing in this chapter shall preclude the city council from employing a private consultant, or the county registrar of voters, to administer all or part of the ballot process.

Adopted by the City of Sacramento City Council on March 20, 2012 by the following vote:

Ayes: Councilmembers Ashby, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

Noes: None.

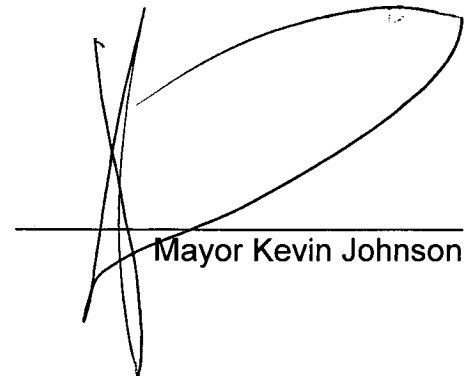
Abstain: None.

Absent: Councilmember Cohn.

Attest:



Shirley Concolino
Shirley Concolino, City Clerk



Mayor Kevin Johnson

Passed for Publication: March 13, 2012

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