

Questions & Answers for the City of South Pasadena Landscape and Lighting Maintenance District No. 2016-1

GENERAL QUESTIONS

What is Landscape and Lighting Maintenance District No. 2016-1?

It is the City's proposed new maintenance assessment district. If approved, property owners in the City will pay an annual assessment on their property tax bills in order to pay for the annual maintenance costs for street trees, median landscaping, sidewalk replacement, and street lighting throughout the City.

Don't I already pay an annual maintenance assessment to the City? Why a new assessment district?

Yes, you currently are paying an annual assessment for the Street Lighting and Landscaping and Maintenance District, which was formed in 1993. The new assessment district is proposed to replace the existing assessment district.

Why is the new assessment district needed to replace the current assessment district?

The current assessment district was formed in 1993. The annual assessment rate has not changed since Proposition 218 was passed in 1996. Since then, annual maintenance costs have increased from less than \$900,000 in 1993 to over \$1,200,000. Maintenance services will have to be significantly reduced without a new assessment.

Why did I get a ballot?

You received a ballot so that you can vote on whether you approve or disapprove of the new assessment district.

Why is this being decided by mailed ballot?

Proposition 218, the "Taxpayers Right to Vote on Taxes Act," which was approved by voters in 1996 as an amendment to the California Constitution, requires a mailed ballot proceeding for any proposed new or increased assessment. This mailed ballot proceeding gives property owners the opportunity to vote on this proposed new assessment and ballot. This notice have been mailed to all property owners who would be asked to pay for it.

How do I vote? When will results of the ballot proceeding be known?

You can vote by mail or by delivering the ballot directly to the City. A public hearing will be held by the City of South Pasadena City Council during the City Council meeting on Wednesday, January 18, 2017. At the close of the public hearing. Ballots will be tabulated. Results of the tabulation are expected to be announced by the end of the City Council meeting.

See the sections below for more specific information:

- *Assessment questions*
- *Completing and returning the ballot*
- *Other ballot issues*
- *Ballot tabulation*

ASSESSMENT QUESTIONS

How much is the assessment?

The proposed assessment for your property for fiscal year 2017-18 is printed on the Official Ballot you received. The total proposed assessment amount for the assessment district for fiscal year 2017-18 is \$1,176,090.

What is the maximum assessment amount?

The maximum assessment amount for a parcel for fiscal year 2017-18 is determined by multiplying the assessment rate of \$114.08 per EBU times the number of EBU's assigned to the parcel.

For example, a single-family residence in Zone 1 is assigned 1 EBU per dwelling unit, therefore the maximum annual assessment amount is:

$$\text{\$114.08 per EBU} \times \text{1 EBU per dwelling unit} = \text{\$114.08 per year}$$

For example, a single-family residence in Zone 2 is assigned 0.75 EBU per dwelling unit, therefore the maximum annual assessment amount is:

$$\text{\$114.08 per EBU} \times \text{0.75 EBU's per dwelling unit} = \text{\$85.86 per year}$$

Can the assessments be increased?

If approved, the maximum annual assessment rate of \$114.08 per EBU will increase each year based on the annual change in the Consumer Price Index, All Urban Consumers, for the Los Angeles- Riverside-Orange County Area ("CPI-U"). The actual assessments levied in any fiscal year will be as approved by the City Council and may not exceed the maximum annual assessment rate without receiving property owner approval for the increase pursuant to Article XIII D of the California State Constitution.

How long will the assessment last?

The assessment, which is initially proposed for the fiscal year 2017-18, may be continued on an annual basis each year thereafter.

What are the annual requirements for levying the assessments?

The annual assessment levy requires that a Engineer's Report and budget be prepared that lists the coming years expenditures and assessments. After the Engineer's Report is prepared and preliminarily approved, the City Council must hold a public hearing prior to adopting a resolution to levy the assessments for the fiscal year.

COMPLETING AND RETURNING THE BALLOT

How do I complete my ballot?

Please follow these steps to complete the ballot:

1. Verify that the owner name, addresses, and parcel number(s) listed on the ballot are correct. If they are not correct, please telephone the City of South Pasadena, Clerk's Office at (626) 403-7230.

2. Mark an "X" in the box next to the word "YES" or "NO" to approve or disapprove of the proposed assessment. You may use a pencil or pen. Be sure to fill in only one box, otherwise, your ballot will be disqualified.
3. Sign the ballot and write your name as the person completing the assessment.
4. If you make a mistake in completing your ballot or wish to change or withdraw your ballot, please submit a request by mail to the City of South Pasadena, 1414 Mission Street, South Pasadena, CA 91030; or in person by visiting the Office of the City Clerk of the City of South Pasadena located at 1414 Mission Street, South Pasadena, California.

How can I return my ballot for tabulation?

You may return your ballot in either of the following ways:

1. Mail it to the address shown in the enclosed return envelope so it is received on or before January 18, 2017. After making your vote, simply FOLD the ballot so that your vote is on the inside of the fold. Then place the ballot in the return envelope provided and seal the envelope. Postage is required.
2. Deliver it in person prior to the close of the public hearing on January 18, 2017 to the Office of the City Clerk of the City of South Pasadena located at 1414 Mission Street, South Pasadena, California.

What is the deadline for returning my ballot?

To be counted, ballots must be received before the close of the public testimony portion of the public hearing scheduled to begin at 7:30 pm on Wednesday, January 18, 2017. This deadline applies regardless of whether the ballot is mailed or hand-delivered at the public hearing.

If my ballot has a January 18, 2017, postmark, will it be counted?

No. The ballot must be received before the close of the public testimony portion of the public hearing scheduled to begin at 7:30 pm on Wednesday, January 18, 2017.

Why won't a January 18, 2017 or earlier postmark guarantee that my ballot will be counted?

The law requires that assessment ballot proceedings close at a public hearing where the public can provide additional comment on the proposed assessment. The law specifically states that in order to be counted, assessment ballots must be received by the agency proposing the assessment before the close of the public testimony portion of the public meeting. Ballots received after this time cannot be counted. As stated previously, for this proposed assessment, the public hearing is scheduled to begin at 7:30 pm on Wednesday, January 18, 2017.

Can I hand-deliver my ballot before January 18?

Yes. Ballots may be hand-delivered to the Office of the City Clerk during normal business hours through January 18 and prior to the close of the public input portion of the public hearing on January 18, 2017.

Why must I sign the ballot?

The law specifically states that in order to count, all assessment ballots be completed and signed by the record property owner of the parcel(s) identified on this ballot or by the owner's authorized representative and must be received before the close of the public testimony portion of the public hearing. Unsigned ballots cannot be counted. (*Article XIID of the California Constitution and the Government Code*)

Who can sign the ballot?

A ballot can be signed by:

1. If the property is owned by an individual, the individual may sign.
2. If a property is owned by a husband and wife, either may sign for both.
3. If two or more persons own the property as joint tenants or tenants in common, any co-owner may sign for all.
4. If the property is owned by a corporation, the ballot may be signed by any corporate officer. It also may be signed by any other person authorized by a resolution or minutes of the corporation's board of directors or the corporation's bylaws.
5. If the property is owned by a partnership, the ballot may be signed by any partner authorized by law. For a general partnership or limited partnership, any general partner may sign.
6. If the property is owned by a public agency, the ballot may be signed by the chair, mayor or other head of the governing body. It may also be signed by any other person authorized by a resolution, board order, or minutes of the governing body.
7. If a property is owned by another legal entity, such as a trust or limited liability company, the ballot may be signed by any person authorized by law to make contracts for the entity.

I own several properties. Why did I receive only one ballot?

Ballots can include multiple parcel numbers. If you own more than one piece of property in the proposed new assessment district area with the same recorded mailing address, you received one ballot with your properties listed on the ballot, as well as the proposed assessment for each property. When you cast your ballot, you are casting one vote for all of your properties listed on the ballot.

Are returned ballots a public record? What will be done to protect confidentiality?

Yes. Proposition 218 and the Howard Jarvis Taxpayers Association have clearly specified that the assessment ballots are of public record. However, the balloting procedure will be established so that, to the extent possible, any property owner's balloting information will not be distributed, except in the case of a specific request to review or audit the ballot results.

OTHER BALLOT ISSUES

Replacement ballots

When a property owner requests a replacement ballot, they must provide the following information:

- Property Owner Name
- Phone Number
- Need for Replacement Ballot
- Parcel Number
- Mailing Address
- Date of Request

Corrected ballots

If a property owner claims that their assessment is incorrect, this claim and any supporting information should be provided to the City. Harris & Associates, the Assessment Engineer for the proposed district will research the claim and provide their findings to the City. If the City agrees that the assessment should be revised, a corrected ballot with the revised assessment amount will be issued.

Address change

Replacement ballots will only be mailed to the recorded address on file with the County of Los Angeles County Assessor. If a property owner requests that the ballot be mailed to a different address or if the current owner is new and is not shown on the records of the County, the property owner requesting the replacement ballot will need to submit evidence of ownership and mailing address. Following are acceptable forms of documentation:

- Property Deed
- Title Report
- Settlement Statement (HUD)

Lost ballot

If you lost your ballot, a replacement ballot will be sent to you if you request one. Ballots will only be sent to the name and address that is recorded for the property with the Los Angeles County Assessor. If the mailing address on the property roll is not your current mailing address, you must provide proof of ownership and a current mailing address for a ballot to be sent to that new address. Following are acceptable forms of documentation:

- Property Deed
- Title Report
- Settlement Statement (HUD)

Property owners who own multiple parcels and no longer own all of the parcels on their ballot

Property owners who own more than one property may have a parcel they recently sold on their ballot. (This is because the County assessor records legally required to be used for the ballot mailing often are several months behind in recording actual changes in ownership.) Such property owners may request a Replacement ballot be mailed to them including only properties they currently own.

Misspelled name – or previous owner's name on ballot

Property owners may have the incorrect spelling of their name or the previous owner's name (*for recently purchased property*) on their ballot. **If the spelling is incorrect, the property owner can still vote on their ballot.** However, they may wish to contact the Los

Angeles County Assessor to correct their name on their records. If the property owner who received the ballot is the current owner but the ballot still lists the previous owner, the current owner can sign the ballot, because **ballots can be signed by the current property owner, or the owner's authorized representative**, under penalty of perjury. This would include a new homeowner, spouse or successor to someone who has passed away, or family member/other acting with the permission/authorization of the record owner.

Parcels with multiple owners

If a parcel has multiple owners, one owner may complete and sign a ballot on behalf of all owners. However, if an owner wishes to vote separately from the other owners of a property, an owner may request a proportional ballot. The law stipulates that any property owner requesting a proportional ballot must also provide information regarding the share of ownership for each owner. A Property Deed is an acceptable form of documentation.

Multiple property owners for a single ballot can request proportional ballots to be mailed to each of the property owners. The proportional ballot will divide the total proposed assessment of the property among the multiple property owners based on the proportion of ownership of each property owner. This action is only needed if each property owner intends to vote differently on their proportional ballot. If each property owner is in agreement on how to vote, then only one property owner may sign and submit the ballot. To request a proportional ballot, each property owner must submit information that demonstrates proof of ownership, the proportional share of ownership, name, and mailing address.

If the ownership interest of the owner is not shown on the last equalized secured property tax assessment roll, a request for a proportional ballot must include evidence, satisfactory to the City, of the owner's proportional rights in the parcel.

Requesting a replacement ballot

If your ballot was lost, destroyed or never received by you, you may request a replacement ballot by telephone, through the mail, or in person.

Request a replacement ballot by telephone by calling (626) 403-7320. Replacement ballots will only be mailed to the address listed on the Los Angeles County Assessor's records for the property for requests made by telephone.

Request for a replacement ballot by mail addressed to City of South Pasadena, 1414 Mission Street, South Pasadena, CA 91030. Replacement ballots will only be mailed to the address listed on the Los Angeles County Assessor's records for the property unless another address is specifically requested and proof of ownership of the property, such as a copy of the property tax bill, deed or escrow closing papers is included with the request.

Request a replacement ballot in person at City Clerk's Office located at 1414 Mission Street, South Pasadena, California.

May I withdraw my ballot after it is submitted?

Yes. The person who signed and submitted a ballot may withdraw the ballot by submitting a written request to the City Clerk of the City of South Pasadena, by mail or in person at City of South Pasadena, 1414 Mission Street, South Pasadena, CA 91030; or by calling (626) 403-7230. Any such request for the withdrawal of a ballot must be received before the conclusion of the public testimony portion of the public meeting.

May I change my vote after my ballot has been submitted?

Yes. Please perform the following two steps to change your vote:

1. **Withdraw the previous ballot.** The person who signed and submitted a ballot may withdraw the ballot by submitting a request to the City of South Pasadena, at the address (or phone number) listed above. Any such request for the withdrawal of a ballot must be received before the conclusion of the public testimony portion of the public hearing.
2. **Request a replacement ballot.** Request a replacement ballot at the same time that you submit your withdrawal of the previous ballot.
3. **Complete and return the replacement ballot.** Complete the replacement ballot in the manner described in the section on Completing and Returning the Assessment Ballot.

BALLOT TABULATION QUESTIONS

How will ballots be tabulated?

Ballots that are mailed or delivered directly to the to the City Clerk of the City of South Pasadena and received prior to the close of the public hearing on January 18, 2017, will be held and unopened ballots in a secure location until the close of the public hearing. At the close of the public hearing, ballots will be tabulated in public view. Only official ballots that are signed, marked with the property owner's support or opposition, and returned prior to the end of the public hearing will be counted.

How are ballots weighted during tabulation?

Each ballot is weighted by the amount of assessment it represents. In other words, if one property owner has a ballot with a proposed assessment of \$100 and another property owner has a ballot with a proposed assessment of \$50, the first property owner's ballot will count for twice that of the second property owner because the first property owner's ballot is for twice the proposed assessment amount.

How many ballots must be cast in favor of the proposed assessments for the assessment to be collected?

If the weighted amount of ballots returned by property owners that are opposed to the proposed assessment is greater than the weighted amount of ballots returned by property owners that are in favor of the proposed assessment, the proposed new assessment cannot be approved.

ADDITIONAL INFORMATION

For additional information concerning the proposed assessments or the ballot proceeding, please contact the City of South Pasadena, Public Works Department at (626) 403-7240.