

ORDINANCE No.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BEAUMONT, CALIFORNIA ESTABLISHING A PROCEDURE FOR
PROPERTY OWNER OBJECTIONS TO PROPOSED SEWER FEES OR
SPECIAL ASSESSMENTS**

WHEREAS, the City of Beaumont (“City”) is a general law city organized under the California Constitution and the laws of the State of California.

WHEREAS, California law requires that certain changes to sewer fees or special assessments must be adopted or approved in accordance with procedures outlined in Article XIII D, of the California Constitution, commonly referred to as “Proposition 218.”

WHEREAS, Article XIII D, Section 4, establishes certain procedural requirements and substantive limitations a local public agency must follow to adopt a special benefit assessment.

WHEREAS, Article XIII D, Section 6, establishes certain procedural requirements and substantive limitations a local public agency must follow to adopt a property related fee for sewer service.

WHEREAS, the purpose of this ordinance is to provide a meaningful opportunity for a ratepayer to present an objection to a proposed new or amended sewer fee or special benefit assessment before resorting to litigation after the new or amended fee or special benefit assessment is approved.

WHEREAS, this ordinance is intended to provide a procedure for ratepayers to bring an objection regarding a new or amended sewer fee or special benefit assessment to the City’s attention early in the fee consideration process, and to provide an opportunity for the City to address or resolve any objections before the City Council makes a final decision on whether to adopt a proposed sewer fee or special benefit assessment pursuant to Proposition 218.

WHEREAS, this procedure will generally require the City to make available the proposed sewer fee or special benefit assessment, post the written basis for the proposed sewer fee or special benefit assessment on its internet website, provide 45 days for the property owner to review the proposed fee or assessment and timely submit to the City a written objection to the fee or assessment that specifies the grounds for alleging noncompliance, and require the City to consider and respond in writing to timely submitted objections prior to the close of the protest hearing or ballot tabulation hearing required under Section 4 or Section 6 of Article XIII D of the California Constitution; and

WHEREAS, for purposes of the proposed sewer fee or assessment adopted by the City pursuant to Section 4 or Section 6 of Article XIII D of the California Constitution, a person or entity shall be prohibited from bringing a judicial action or proceeding alleging noncompliance with Article XIII D of the California Constitution for any new, increased, or extended sewer fee or assessment, unless that person or entity has timely submitted to the City a written objection to that fee or assessment that specifies the grounds for alleging noncompliance; and

WHEREAS, the City Council hereby intends to adopt the exhaustion of administrative remedies, procedure as outlined in Government Code section 53759.1 and the administrative record principles contained in Government Code section 53759.2.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Beaumont as follows:

SECTION 1. All of the above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council hereby adopts the exhaustion of administrative remedies procedure contained in Government Code section 53759.1 by adding Chapter 3.37 – Objection Regarding Property Related Fees or Assessments Pursuant to Proposition 218 – Exhaustion of Administrative Remedies, as set forth in Exhibit A, which Exhibit is attached hereto and incorporated herein by this reference.

SECTION 3. For purposes of any proposed sewer fee or assessment adopted by the City pursuant to Section 4 or Section 6 of Article XIII D of the California Constitution, a person or entity shall be prohibited from bringing a judicial action or proceeding alleging noncompliance with Article XIII D of the California Constitution for any new, increased, or extended sewer fee or assessment, unless that person or entity has timely submitted to the City a written objection to that fee or assessment that specifies the grounds for alleging noncompliance, in compliance with Government Code section 53759.1.

SECTION 4. The City hereby adopts the administrative record principles contained in Government Code section 53759.2 by adding Chapter 3.37 – Objection Regarding Property Related Fees or Assessments Pursuant to Proposition 218 – Exhaustion of Administrative Remedies, as set forth in Exhibit A.

SECTION 5. In the event of any conflict between the terms, provisions, conditions, or requirements of this ordinance and those of any other ordinance, resolution, regulation or policy

of the City, the terms provisions, conditions, and requirements of this ordinance shall prevail and be deemed superior, except where preempted by state or federal law.

SECTION 6. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this Ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

SECTION 7. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

SECTION 8. The City authorizes City staff to take such other and additional actions as may be reasonably necessary to implement the purpose of this ordinance and implement the exhaustion of administrative remedies procedure adopted herein.

[SIGNATURE PAGE FOLLOWS]

INTRODUCED, TITLE READ, FURTHER READING WAIVED, and ordered posted at a regular meeting of the City Council of the City of Beaumont, California, held on the 19th day of **August** 2025, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Lara, Mayor

Attest:

Nicole Wheelwright, Deputy City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Beaumont, California, held on the 19th day of August 2025.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Lara, Mayor

(Seal)

Attest:

Nicole Wheelwright, Deputy City Clerk

APPROVED AS TO FORM:

John Pinkney, City Attorney

EXHIBIT A

Chapter 3.37

Objection Regarding Property Related Fees or Assessments Pursuant to Proposition 218 – Exhaustion of Administrative Remedies

3.37.010 – Purpose and Authority

This Chapter establishes the administrative procedures required for consideration and adoption of new or increased sewer fees and special benefit assessments in accordance with Article XIII D of the California Constitution and Government Code Sections 53759.1 and 53759.2. These procedures are designed to provide property owners with a meaningful opportunity to object to such fees or assessments and to ensure the City complies with applicable constitutional and statutory requirements.

3.37.020 – Applicability

This Chapter applies to all proceedings initiated by the City of Beaumont to adopt or increase sewer service-related property fees or special benefit assessments under Section 4 or Section 6 of Article XIII D of the California Constitution.

3.37.030 – Procedure for Objections

A. Prior to the adoption of any new or increased sewer fee or special benefit assessment, the City shall:

1. Publish and make available the proposed fee or assessment and its written basis on the City's official website;
2. Provide at least 45 days for property owners to review and submit objections;
3. Accept only written objections submitted within the 45-day notice period and prior to the conclusion of any required public hearing;
4. Respond in writing to timely filed objections before the close of the protest hearing or ballot tabulation.

B. Any objection must:

1. Be submitted by a property owner subject to the proposed fee or assessment;
2. Be in writing;
3. Clearly state the specific grounds for alleging noncompliance with Article XIII D.

3.37.040 – Exhaustion of Administrative Remedies

In accordance with Government Code Section 53759.1, no legal action or proceeding challenging the validity of any sewer fee or assessment shall be brought unless the affected party has first exhausted administrative remedies by complying with the objection procedure set forth in this Chapter.

3.37.050 – Administrative Record

The City shall maintain an administrative record of all proceedings related to proposed fees or assessments pursuant to Government Code Section 53759.2.

3.37.060 – Conflict with Other Laws

In the event of any conflict between this Chapter and any other ordinance, regulation, or policy of the City, the provisions of this Chapter shall control, except where superseded by state or federal law.