

GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS

Submission of Protests

1. Any property owner or tenant may submit a written protest to the City Clerk, at 1333 Park Avenue, Emeryville, CA, either by personal or mail delivery to the office of the City Clerk or by submitting the protest at the public hearing. Protests must be received prior to the close of the public hearing.
2. Each protest must identify the affected property (by assessor's parcel number or street address) and include the original signature of the record property owner and/or tenant. **Email protests cannot be accepted.** Although oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest, the City Council welcomes input from the community during the public hearing on the proposed fees.
3. If the City receives more than one written protest per parcel that satisfies the requirements herein, only one protest will be counted per parcel. Any one protest submitted in accordance with these rules will be sufficient to count as a protest for that parcel.
4. In order to be a valid written protest from a property owner, the protest must bear the original signature of the property owner identified on the last equalized assessment roll with respect to the property identified on the protest. Protests **not** bearing the original signature of a record owner shall not be counted.
5. In order to be a valid written protest from a tenant, the protest must bear the original signature of the tenant who is listed as the account holder, responsible for payment of the fee/charge at issue. Protests **not** bearing the original signature of the account holder shall not be counted.
6. Any person who submits a protest may withdraw it by submitting to the City Clerk a written request that the protest be withdrawn. The withdrawal of a protest shall contain sufficient information to identify the affected parcel and the name of the record owner or record customer who submitted both the protest and the request that it be withdrawn.
7. A fee protest proceeding is not an election.
8. To ensure transparency and accountability in the fee protest tabulation, protests shall constitute disclosable public records from and after the time they are received.

Tabulation of Protests

1. The City Clerk shall determine the validity of all protests. The City Clerk shall not accept as valid any protest if the City Clerk determines that any of the following conditions exist:
 - a. The protest does not identify a property served by the City.
 - b. The protest does not bear an original signature of a record owner or tenant as set forth above of the parcel identified on the protest.
 - c. The protest does not state its opposition to the proposed fees.
 - d. The protest was not received by the City Clerk before the close of the public hearing on the proposed fees.
 - e. A valid request to withdraw the protest is received prior to the close of the public hearing on the proposed fees.
2. The City Clerk's decision that a protest is not valid or does not apply to a specific fee shall constitute a final action of the City and shall not be subject to any internal appeal.
3. A majority protest exists if written protests are timely submitted and not withdrawn by the record owners or tenants of a majority of the parcels subject to the proposed fee.
4. At the conclusion of the public hearing, the City Clerk shall complete the tabulation of all protests received, including those received during the public hearing and shall report the results of the tabulation to the City Council upon completion. If review of the protests received demonstrates that the number received is manifestly less than one-half of the parcels served by the City with respect to the fee which is the subject of the protest, then the City Clerk may advise the City Council of the absence of a majority protest without determining the validity of all protests.