

ORDINANCE 676-AC

AN ORDINANCE OF THE CITY OF NEEDLES, CALIFORNIA ESTABLISHING A PROCEDURE FOR PROPERTY OWNER OBJECTIONS TO PROPOSED WATER/SEWER FEES OR SPECIAL ASSESSMENTS

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

WHEREAS, California law requires that certain changes to water/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 water/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 water/sewer fee or special assessment before resorting to litigation after the new or amended fee or special assessment is approved.

WHEREAS, this ordinance is intended to provide a procedure for ratepayers to bring an objection regarding a new or amended water/sewer fee or special 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 water/sewer fee or special assessment pursuant to Proposition 218.

WHEREAS, this procedure will generally require the City to make available the proposed water/sewer fee or special assessment, post the written basis for the proposed water/sewer fee or special 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 water/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 water/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 Needles as follows:

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

SECTION 2. The City Council hereby adopts the exhaustion of administrative remedies procedure contained in Government Code section 53759.1.

SECTION 3. For purposes of any proposed water/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 water/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.

SECTION 5. In the event of any conflict between the terms, provisions, conditions, or requirements of this ordinance and those of any other ordinance, 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. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

SECTION 7. 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.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Needles, California, approves an amendment to the City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 12th day of August 2025, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Janet Jernigan, Mayor

ATTEST: _____
Candace Clark, City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of September 2025, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Janet Jernigan, Mayor

ATTEST: _____
Candace Clark, City Clerk

Approved as to form:

Lena Wade, Deputy City Attorney