

# GUIDELINES FOR PUBLIC NOTICE

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*Prepared*

*by*

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## TABLE OF CONTENTS

### Meetings

Agenda.....	1
Regular.....	1
Special.....	1
Continued.....	2
Emergency.....	3
Dirie Emergency.....	4

### Ordinances

City Council chooses to publish full text of ordinance/amendment after adoption.....	5
City Council chooses not to publish full text of the ordinance/amendment after adoption and a fair and adequate summary can be prepared.....	5
City Council chooses not to publish the complete text of ordinance/amendment after adoption and determines that a fair and adequate summary <u>cannot be prepared</u> .....	6

### Planning and Zoning

Adoption or Amendment to Zoning Ordinance.....	7-8
General Plan (Planning Commission public hearing).....	9
General Plan (City Council public hearing).....	10
Adoption of an Interim Ordinance as urgency measure; extensions.....	10
Consideration of development agreement.....	11
Variance, conditional use permit, or equivalent development permit.....	12

California Environmental Quality Act (CEQA)

Notice of Exemption from CEQA..... 13  
Notice of Intent to Prepare Negative Declaration or Mitigated Negative Declaration ..... 13  
Notice of Determination (Negative Declaration or Mitigated Negative Declaration) ..... 14  
Notice of Preparation of EIR..... 14  
Notice of Availability of EIR..... 15  
Notice of Determination (EIR) ..... 15

Local Coastal Programs (LCP's)..... 16

Taxes

General Taxes..... 17  
Special Taxes..... 18

Assessments

New or increased assessments ..... 19-20  
Charges for services and facilities furnished by "enterprise" ..... 20  
Special Assessment Investigation, Limitation & Majority Protest Act of 1931 ..... 21  
Improvement Act of 1911 ..... 21  
Street Lighting Act of 1919..... 21  
Street Lighting Act of 1931 ..... 22  
Tree Planting Act of 1931 ..... 22  
Landscaping and Lighting Act of 1972 ..... 23  
Parking District Law of 1951..... 23  
Parking and Business Improvement Area Law of 1989..... 24  
Parking and Business Improvement District Law of 1994 ..... 24

<u>Property Related Fees or Charges</u> .....	25
<u>Development Processing Fees</u> .....	26
<u>Redevelopment Plans and Agencies</u>	
Project Area Committee Formation .....	27
Redevelopment Plan Approval/Adoption .....	27
Redevelopment Plan Amendment.....	28
Legislative Body Self Appointment.....	28
5-Year Implementation Plan Adoption.....	29
Sale of Redevelopment Agency Property.....	29
Use of Tax Increment Funds for Public Buildings.....	29

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## GUIDELINES FOR PUBLIC NOTICE

### MEETINGS

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 54954.2 54956	Posting of Agenda	General public  (Special Rule for Persons with Disabilities)	At least 72 hours before regular meeting; at least 24 hours before special meeting	Post at location freely accessible to public, including after hours  Made available in alternative formats upon request to persons with disabilities under the Americans with Disabilities Act ("ADA")	<ul style="list-style-type: none"> <li>Brief general description of items, including closed session items</li> <li>Time</li> <li>Location</li> <li>Include information regarding how, to whom and when a request for disability accommodation may be made for a person with a disability</li> </ul>
Govt. Code 54954.1	Notice of any meeting of legislative body	Persons who have filed written request for notice  (Request is valid for 1 year - renew each Jan. 1)	At time agenda is posted or distributed to members of legislative body, whichever occurs first.	Mail  Made available in alternative formats upon request to persons with disabilities under the ADA	<ul style="list-style-type: none"> <li>Agenda, or</li> <li>All documents constituting agenda packet</li> </ul>
Govt. Code 54956	Notice of Special Meetings	To local newspapers of general circulation and radio or TV station requesting notice in writing  Each member of legislative body, unless written waiver of notice filed, or actual attendance at meeting	Received at least 24 hours before meeting  Same as above	Delivered personally or by any other means  Same as above	<ul style="list-style-type: none"> <li>Business to be transacted or discussed</li> <li>Time</li> <li>Place</li> </ul> Same as above

## MEETINGS

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 54955	Order or Notice of Adjournment	General public  If no members of legislative body are present at the adjourned meeting:	Within 24 hours after the time of adjournment	Conspicuously posted on or near door of the place where the meeting was held	<ul style="list-style-type: none"> <li>• Time</li> <li>• Place</li> <li>• Business to be transacted or discussed</li> </ul>
Govt. Code 54955.1	Order or Notice of Continuance of Hearing (to a time <u>more</u> than 24 hours later)	General public  If no members of legislative body are present at the adjourned meeting:  To local newspapers of general circulation and radio or TV station requesting notice in writing:  Each member of legislative body, unless written waiver notice filed	Received at least 24 hours before meeting	Delivered personally or by any other means	Same as above
	Order or Notice of Continuance of Hearing (to a time <u>less</u> than 24 hours later)	General public  To local newspapers of general circulation and radio or TV station requesting notice in writing; and  Each member of legislative body, unless written waiver notice filed	Within 24 hours after the time of adjournment	Conspicuously posted on or near door of the place where the meeting was held	<ul style="list-style-type: none"> <li>• Time</li> <li>• Place</li> <li>• Hearing item continued</li> </ul>
		General public	Received at least 24 hours before meeting	Delivered personally or by any other means	Same as above
		General public	Immediately following the meeting	Conspicuously posted on or near door of the place where meeting was held	<ul style="list-style-type: none"> <li>• Time</li> <li>• Place</li> <li>• Hearing item continued</li> </ul>

## MEETINGS

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 54956.5	Notice of Emergency Meeting (Crippling emergency, work stoppage, etc.)	General public	As soon as possible	Post at location freely accessible to public	<ul style="list-style-type: none"> <li>• Business to be transacted or discussed</li> <li>• Time</li> <li>• Place</li> </ul>
		Each member of legislative body	As soon as possible	Delivered personally or by any other means	Same as above
		To each local newspaper of general circulation and radio or TV station requesting notice of special meetings per § 54956 and telephone service is <u>unavailable</u>	As soon as possible after meeting	Notified by legislative body or designee	<ul style="list-style-type: none"> <li>• Fact of holding emergency meeting</li> <li>• Purpose of the meeting</li> <li>• Any action taken</li> </ul>
		If telephone service is <u>available</u>	At least 1 hour prior to meeting	Notified by legislative body or designee by telephone	<ul style="list-style-type: none"> <li>• Business to be transacted or discussed</li> <li>• Time</li> <li>• Place</li> </ul>
	Minutes of Emergency Meeting	General public	As soon as possible after meeting for a minimum of 10 days	Public place	<ul style="list-style-type: none"> <li>• List of persons who presiding officer or designee notified or attempted to notify</li> <li>• Copy of roll call vote</li> <li>• Any actions taken</li> </ul>

## MEETINGS

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 54956.5 (cont.)	Notice of Dire Emergency (Crippling disaster, mass destruction, terrorist act, threatened terrorist activity)  (Emergency is so immediate that giving 1- hour notice may endanger public health or safety -- as determined by majority of legislative body)	General public	As soon as possible	Post at location freely accessible to public	<ul style="list-style-type: none"> <li>• Business to be transacted or discussed</li> <li>• Time</li> <li>• Place</li> </ul>
		Each member of legislative body	As soon as possible	Delivered personally or by any other means	Same as above
		To each local newspaper of general circulation and radio or TV station requesting notice of special meetings per § 54956 and telephone service is <u>unavailable</u>	As soon as possible after meeting	Notified by legislative body or designee	<ul style="list-style-type: none"> <li>• Fact of holding emergency meeting</li> <li>• Purpose of the meeting</li> <li>• Any action taken</li> </ul>
	If telephone service is <u>available</u>	At or near time presiding officer or designee notifies members of the legislative body	As soon as possible after meeting for a minimum of 10 days	Notified by legislative body or designee by telephone	<ul style="list-style-type: none"> <li>• Business to be transacted or discussed</li> <li>• Time</li> <li>• Place</li> </ul>
	Minutes of Dire Emergency Meeting	General public	As soon as possible after meeting for a minimum of 10 days	Public place	<ul style="list-style-type: none"> <li>• List of persons who presiding officer or designee notified or attempted to notify</li> <li>• Copy of roll call vote</li> <li>• Any actions taken</li> </ul>

## ORDINANCES

CODE \$	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 36933	Publication or posting of ordinances	General public	Within 15 days after passage	Published at least once in a newspaper of general circulation published and circulated in the city	<ul style="list-style-type: none"> <li>• Full text of ordinance</li> <li>• Names of council members voting for and against</li> </ul>
			At least 5 days prior to meeting at which ordinance is to be adopted	<p>If above newspaper does not exist, posted in at least 3 public places in the City <u>or</u> published in a newspaper of general circulation printed and published in the County and circulated in the City</p> <p>Must be published in a newspaper of general circulation published and circulated in the city</p> <p>Posted in office of city clerk</p>	<p>Summary of proposed ordinance</p> <p>Certified copy of full text of proposed ordinance</p>
	First Alternative: Where city council chooses to publish a summary of the proposed ordinance and designates the official to prepare such summary	General public	<p>AND</p> <p>Within 15 days after adoption</p>	<p>Must be published in a newspaper of general circulation published and circulated in the city</p> <p>Posted in office of city clerk</p>	<ul style="list-style-type: none"> <li>• Summary of adopted ordinance</li> <li>• Names of council members voting for and against ordinance</li> <li>• Certified copy of full text of ordinance</li> <li>• Names of council members voting for and against ordinance</li> </ul>

## ORDINANCES

CODE \$	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 36933 (cont.)	Second Alternative: City official designated by city council determines that it is not feasible to prepare a fair and adequate summary of the proposed ordinance, and city council so orders	General public	At least 5 days prior to meeting at which ordinance is to be adopted  AND  Within 15 days after adoption	At least a 1/4 page display advertisement published in a newspaper of general circulation in the city  At least a 1/4 page display advertisement published in a newspaper of general circulation in the city	<ul style="list-style-type: none"> <li>• General nature of and provide information about proposed ordinance</li> <li>• Information regarding where copies of complete text can be obtained</li> <li>• Names of council members voting for and against</li> </ul>
	(Special Rule: May place a requestor on the general mailing list of upcoming meetings per Section 54954.1)	Person requesting written notice of specific proposed ordinances or amendments	At least 5 days prior to meeting at which ordinance is to be adopted	Mail or by e-mail if an e-mail address is provided in the request	<ul style="list-style-type: none"> <li>• Full text of ordinance or summary</li> </ul>

## PLANNING AND ZONING

CODE \$	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 65853 65854 65090 65091	Notice of <u>Planning Commission's</u> public hearing for adoption or <u>amendment to zoning ordinance</u> which changes zoning on property or imposes any regulation listed in G. C. § 65850	General public	At least 10 days before hearing	Publish in newspaper of general circulation within the city	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Place of public hearing</li> <li>• Hearing body or officer</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject to hearing</li> </ul>
		Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above
		Property owner or agent and project applicant	At least 10 days before hearing	Mail or deliver	Same as above
		Real property owners within 300 feet of subject real property on latest assessment roll or more recent County records	At least 10 days before hearing	Mail or deliver and publish in newspaper of general circulation in city or post in three public places including one in area affected	Same as above
		ALTERNATIVE - If number of real property owners exceeds 1000	At least 10 days before hearing	Publish 1/8 page display advertisement in newspaper of general circulation within city	Same as above
If other local agency's ability to provide water, sewage, streets, roads, schools, or other essential facilities may be significantly affected	Affected local agency	At least 10 days before hearing	Mail or deliver by any manner deemed necessary	Same as above	



## PLANNING AND ZONING

CODE \$	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 65353 65090 65091	<u>Planning Commission</u> public hearing re: recommendation on <u>adoption or amendment of</u> <u>General Plan</u>	General public	At least 10 days before hearing	Publish in newspaper of general circulation within the city  If there is no newspaper of general circulation, post in 3 public places within city	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Location</li> <li>• Hearing body or officer</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject of hearing</li> </ul>
		Property owner or agent and applicant	At least 10 days before hearing	Mail or deliver	Same as above
		Real property owners within 300 feet on latest assessment roll	At least 10 days before hearing	Mail or deliver and publish in newspaper of general circulation in city or post in three public places including one in area affected	Same as above
		ALTERNATIVE - If number of real property owners exceeds 1000	At least 10 days before hearing	Publish 1/8 page display advertisement in newspaper of general circulation within city	Same as above
	Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above	
	If other local agency's ability to provide water, sewage, streets, roads, schools, or other essential facilities may be significantly affected	Affected local agency	At least 10 days before hearing	Mail or deliver	Same as above

## PLANNING AND ZONING

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 65355 65090	<i>City Council</i> public hearing re: <u>adoption or amendment of General Plan</u>	General public	At least 10 days before hearing	Publish in newspaper of general circulation within the city  If there is no newspaper of general circulation, post in 3 public places within city	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Location</li> <li>• Hearing body or officer</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject of hearing</li> </ul>
Govt. Code 65858 65090	Public hearing re: adoption of <i>Interim Ordinance as Urgency Measure to prohibit use in conflict with contemplated General Plan, specific plan, or zoning proposal</i> , adoption of extensions	General public	At least 10 days before hearing	Publish in newspaper of general circulation within the city  If there is no newspaper of general circulation, post in 3 public places within city	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Location</li> <li>• Hearing body or officer</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject of hearing</li> </ul>
	<p><b>NOTE:</b> Notice is not required to adopt an interim ordinance lasting 45 days. If none is provided, the 1st extension after public hearing is for 10 months, 15 days; and the 2nd for 1 year. If a noticed public hearing is provided upon initial adoption, then the 1st extension is for 22 months, 15 days.</p>	Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above

## PLANNING AND ZONING

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 65867 65090 65091	Public hearing re: <u>approval, amendment or cancellation of a Development Agreement</u>  (NOTES: This applies for hearing before both the Planning Commission and City Council  This notice is in addition to any other notice required by law for other actions to be considered concurrently with the Development Agreement)	General public	At least 10 days before hearing	Publish in newspaper of general circulation within the city  If there is no newspaper of general circulation, post in 3 public places within city	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Place</li> <li>• Hearing body</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject of hearing</li> </ul>
		Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above
		Property owner or agent and applicant	At least 10 days before hearing	Mail and deliver	Same as above
		Real property owners within 300 feet on latest assessment roll	At least 10 days before hearing	Mail or deliver and publish in newspaper of general circulation in city or post in three public places including one in area affected	Same as above
		ALTERNATIVE - If number of real property owners exceeds 1000	At least 10 days before hearing	Publish 1/8 page display advertisement in newspaper of general circulation within city	Same as above
If other local agency's ability to provide water, sewerage, streets, roads, schools, or other essential facilities may be significantly affected		Affected local agency	At least 10 days before hearing	Mail or deliver	Same as above

## PLANNING AND ZONING

CODE \$	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 65905 65091	Notice of public hearing regarding applications, revocation or modification for <u>variance, conditional use permit, or equivalent development permit, or appeal of action thereon, generally</u>	Property owner or agent and applicant	At least 10 days before hearing	Mail or deliver	<ul style="list-style-type: none"> <li>• Date</li> <li>• Time</li> <li>• Place</li> <li>• Hearing body</li> <li>• General explanation of matter</li> <li>• General description of the location of real property subject of hearing</li> </ul>
		Real property owners within 300 feet on latest assessment roll	At least 10 days before hearing	Mail or deliver and publish in newspaper of general circulation in city or post in three public places including one in area affected	Same as above
		ALTERNATIVE - If number of real property owners exceeds 1000	At least 10 days before hearing	Publish 1/8 page display advertisement in newspaper of general circulation within city	Same as above
		Persons who file written request for notice	At least 10 days before hearing	Mail	Same as above
	If other local agency's ability to provide water, sewage, streets, roads, schools, or other essential facilities may be significantly affected	Affected local agency	At least 10 days before hearing	Mail or deliver	Same as above
	Any permits, approvals, ordinances or policies related to drive-through facilities.	The blind, aged, and disabled communities.	At same time as otherwise required. At least 10 days before hearing on permits and approvals.	Publish or Post Mail or deliver  (Note: Must incorporate notice procedures to facilitate participation of the blind, aged and disabled (reasonable accommodation under ADA))	Same as above, as appropriate to any disability.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CODE \$	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
CEQA Guidelines 15062	Notice of Exemption from CEQA (optional)	General public	After approval of project	<p>Lead agency to file with County Clerk. County Clerk posts within 24 hours of receipt and will post for 30 days</p> <p>All public agencies are encouraged to also make postings available in electronic format on the Internet.</p>	<ul style="list-style-type: none"> <li>• Brief description of project</li> <li>• Finding that project is exempt from CEQA, including citation to CEQA Guidelines</li> <li>• Brief statement of reasons to support finding</li> </ul>
Pub. Res. Code 21092, 21092.3 CEQA Guidelines 15073, 15072	Notice of Intent to Prepare Negative Declaration or Mitigated Negative Declaration	Responsible and trustee agencies and parties who have requested to receive public notice  General public or owners and occupants of contiguous property	At least 20 days prior to hearing, unless the document is sent to the State Clearinghouse, in which case the review period is 30 days	Mail  Lead agency to also file with County Clerk. County Clerk posts within 24 hours of receipt and will post for 30 days and at least one of the following: <ol style="list-style-type: none"> <li>1. Publication in newspaper of general circulation in city</li> <li>2. Posting on and off site in area</li> <li>3. Mail to owners and occupants of contiguous property.</li> </ol>	<ul style="list-style-type: none"> <li>• Brief description of project</li> <li>• Start and end dates of public review period</li> <li>• Date, time and place of scheduled public meetings and hearings</li> <li>• Address where copies of negative declaration or mitigated negative declaration are available for review</li> <li>• Whether any listed toxic sites are present</li> <li>• Other specific project related information required by statute</li> </ul> <p>(Copy of Negative Declaration or Mitigated Negative Declaration sent to each responsible agency, trustee agency and agencies who have requested notice and with jurisdiction over resources affected by project)</p>
	SPECIAL RULE: For projects of statewide, regional or areawide significance	Transportation agencies with jurisdiction in region or area			

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Pub. Res. Code 21092.3 CEQA Guidelines 15075	Notice of Determination on project for which Negative Declaration or Mitigated Negative Declaration approved	General public	Within 5 working days after approval of project and adoption of negative declaration or mitigated negative declaration	File with State OPR (if lead agency is a state agency or project approval from state agency is required)  Lead agency to file with County Clerk. County Clerk posts within 24 hours of receipt and will post for 30 days  All public agencies are encouraged to also make postings available in electronic format on the Internet.	<ul style="list-style-type: none"> <li>• Project name</li> <li>• Project location</li> <li>• Project description</li> <li>• Date of approval</li> <li>• Determination that project will not have any significant effects on environment</li> <li>• Statement that Neg. Declaration or Mit. Neg. Declaration has been prepared pursuant to CEQA</li> <li>• Address where document may be reviewed</li> </ul>
Pub. Res. Code 21092.2 CEQA Guidelines 15082	Notice of Preparation of EIR	Responsible and trustee agencies, affected federal agencies and parties who have requested to receive public notice	Immediately after deciding that EIR is required	Mail (certified to agencies)	<ul style="list-style-type: none"> <li>• Brief description of project</li> <li>• Description of location on attached map</li> <li>• Date, time and place of public hearing</li> <li>• Address where documents or files will be available for review</li> <li>• Address for submission of written comments</li> <li>• Deadline for submitting comments</li> <li>• Statement of probable environmental effects of project</li> </ul>

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Pub. Res. Code 21104, 21153, 21092, 21092.3 CEQA Guidelines 15087	Notice of Availability of Draft EIR and Recirculation	Responsible and trustee agencies, affected federal agencies and parties who have requested to receive public notice  General public	At time notice of completion is sent to OPR at least 30 (but no more than 60) days prior to hearing date, unless sent to State Clearing House (45 days minimum)	Mail  Lead agency to file with County Clerk. County Clerk posts within 24 hours of receipt and will post for 30 days and at least one of the following: 1. Publication in newspaper of general circulation in city 2. Posting on and off site in area 3. Mail to owners and occupants of contiguous property.	<ul style="list-style-type: none"> <li>• Project description</li> <li>• Project location</li> <li>• Identification of significant environmental effects</li> <li>• Starting and ending dates of review period</li> <li>• Date, time and place of public hearing</li> <li>• Address where draft EIR is available for review</li> <li>• Identification of location of documents referenced in EIR</li> <li>• Statement of whether site is listed toxic site</li> </ul>
Pub. Res. Code 21092.3, 21152 CEQA Guidelines 15094	EIR Notice of Determination	General public	Within 5 days of approval of project and adoption of EIR	File with State OPR (if lead agency is a state agency or project approval from state agency is required)  Lead agency to file with County Clerk. County Clerk posts within 24 hours of receipt and will post for 30 days  All public agencies are encouraged to also make postings available in electronic format on the Internet.	<ul style="list-style-type: none"> <li>• Project name</li> <li>• Project description</li> <li>• Project location</li> <li>• Date of project approval</li> <li>• Statement that EIR was prepared and certified</li> <li>• Summary of project's significant effects and whether mitigation measures were made condition of project approval</li> <li>• Whether findings were made and a Statement of Overriding conditions adopted</li> <li>• Address where final EIR may be reviewed</li> </ul>

## LOCAL COASTAL PROGRAMS

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Pub. Res. Code 30500, 30503, 30504 14 Cal. Code Regs. 13515	Preparation and adoption of Local Coastal Programs	<ul style="list-style-type: none"> <li>• Any member of public who requests mailed notice</li> <li>• local governments contiguous with LCP area,</li> <li>• local governments, special districts, or port or harbor districts that could be directly affected,</li> <li>• specified state and federal agencies,</li> <li>• local libraries and media</li> <li>• other interested regional or federal agencies.</li> </ul>	<p>Notice of availability of documents for review must be given as soon as documents are available, but at least 6 weeks prior to any final agency action.</p>	Mail	<p>The contents of the notices are not specified, but should include the documents available, the date of availability, the location where they can be viewed and the methods for obtaining copies of the documents. Drafts of documents should be made available for review at local libraries, the offices of the local agency, and the Coastal Commission Offices.</p>
	Notice of local government's hearings on LCP	General Public and all interested persons and public agencies.	Notice of hearings must be given not less than 10 working days before the hearing.	Mail and publish.	Contents of the notice are not specified, but at minimum, should contain a description of the action, and the date, time and place for the hearings.

## TAXES<sup>1</sup>

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Cal. Const. Art. XIII, Govt. Code 53723 53724 53750 - 53753 53739	General tax - tax imposed for general government purposes  Note 1: Govt. Code §54954, 6 does not apply to voter approved general taxes under Prop. 218  Note 2: Must be consolidated with a regularly scheduled general election for members of the governing body except in cases of emergency declared by unanimous vote of the governing body.	General public	see options 1-3 for publishing or posting ordinances (p.5 of these guidelines)	see options 1-3 for publishing or posting ordinances (p.5 of these guidelines)	<ul style="list-style-type: none"> <li>• Proposed tax must be presented in Ordinance or Resolution format which must state:                             <ul style="list-style-type: none"> <li>• Type of tax</li> <li>• Rate of tax</li> <li>• Method of collection</li> <li>• Date on which election is held</li> </ul> </li> </ul> For notice re: ordinance: see options 1-3 for publishing or posting ordinances (p.5 of these guidelines)
	Note 3: Ordinance or Resolution proposing tax must be approved by 2/3 vote of all members of legislative body  Note 4: Majority vote of the electorate is necessary to pass tax				

<sup>1</sup> No attempt is made in these Guidelines to determine whether or not and within what time frame a tax is subject to the provisions of Propositions 218, which took effect on November 6, 1996. This must be an individual determination based upon differing facts and circumstances. It is recommended that you consult with your legal counsel to make this determination.

## TAXES<sup>1</sup>

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Cal. Const. Art. XIII C  Govt. Code 53722 53724 53739 53750 - 53753	Special tax - tax imposed for a specific purpose  Note: There may be additional specific statutory requirements for special tax elections, such as Community Facilities [Mello-Roos] Districts	Electorate (requires 2/3 vote)	Any date permitted by law		<ul style="list-style-type: none"> <li>• Proposed tax must be presented in Ordinance or Resolution format</li> <li>• Type of tax</li> <li>• Rate of tax</li> <li>• Method of collection</li> <li>• Date on which election is held</li> <li>• The purpose or service for which imposition is sought</li> </ul>

## ASSESSMENTS<sup>2</sup>

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
<p>Cal. Const. Article XIIIID Elections Code 4000 Govt. Code 53739 53750 - 53753</p>	<p>New or Increased Assessment - levy or charge upon real property by an agency for a special benefit conferred upon the real property by a public improvement or service. Includes "stand by" charges.</p> <p>Note: Any agency that complies with the notice, protest and hearing requirements of Cal. Const. Articles XIIIIC or XIIIID (Prop. 218) shall not be required to comply with any other statutory notice, protest, and hearing requirements that would otherwise be applicable to the levy of a new or increased assessment, with the exception of Division 4.5 (commencing with 3100) of the Streets and Highways Code.</p>	<p>Record owner of each identified parcel. "Record owner" is the owner whose name is shown on the last equalized general tax assessment roll. Gov't Code § 53750(j).</p>	<p>At least 45 days prior to the date of the public hearing upon the proposed assessment</p>	<p>Mailing, postage prepaid, deposited in the US Postal Service</p> <p>Note: On face of envelope in no smaller than bold 16 point font type, "Official Ballot Enclosed."</p> <p>Note: May type "Official Ballot Enclosed in a language other than English.</p>	<p>Notice Contents</p> <ul style="list-style-type: none"> <li>• Total amount chargeable to entire district</li> <li>• Amount chargeable to the record owner's parcel</li> <li>• Duration of the payments</li> <li>• Reason for assessment</li> <li>• Basis upon which amount of proposed assessment was made</li> <li>• Date, time &amp; location of public hearing on the proposed assessment</li> <li>• Summary of the procedures for the completion, return, and tabulation of the ballots</li> <li>• Statement that assessment will not be imposed unless receives majority approval</li> <li>• Statement that ballots are weighed according to the proportional financial obligation of the affected property</li> </ul> <p>Ballot Contents</p> <ul style="list-style-type: none"> <li>• Assessment ballot shall include agency's address for receipt</li> <li>• Place to indicate name</li> <li>• Identification of parcel</li> <li>• Support or opposition</li> <li>• Signed and mailed or delivered</li> <li>• May be submitted, changed or withdrawn prior to conclusion of public testimony at hearing</li> </ul>

<sup>2</sup> No attempt is made in these Guidelines to determine whether or not and within what time frame an assessment is subject to the provisions of Proposition 218, which took effect on November 6, 1996. This must be an individual determination based upon differing facts and circumstances. It is recommended that you consult with your legal counsel to make this determination.

## ASSESSMENTS<sup>2</sup>

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Govt. Code 54954.6(c)	Joint notice of public meeting at which public testimony is to be received regarding new or increased assessments and public hearing at which City Council proposes new or increased assessments on real property	All property owners proposed to be subject to the new or increased assessments whose names and addresses appear on the last equalized county assessment roll or the State Board of Equalization roll	At least 10 days before public meeting and at least 45 days before the public hearing	Publish joint notice by 1/8 page display advertisement in newspaper of general circulation within city  Mail (to parties who have requested such notice in writing)  Note: The notice must be printed in at least 10-point type and the envelope or cover of the mailing must include the name of the local agency and the return address of the sender	<ul style="list-style-type: none"> <li>• Estimated assessment per parcel</li> <li>• If an assessment increase, the City must separately state the existing assessment and the proposed amount of increase</li> <li>• General description of purpose of improvements the assessment will fund</li> <li>• Address to which property owner may mail a protest</li> <li>• Phone number and address of an individual, office, or organization to contact for additional information on the assessment</li> <li>• A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so allows</li> <li>• If applicable, a statement of the percentage protest required to trigger an election</li> <li>• Dates, times, and locations of the public meeting and public hearing</li> </ul>
Govt. Code 54954.6(h)	<b>Note: Any new or increased assessment that is subject to the notice and hearing provisions of Cal. Const. Articles XIII C or XIII D (Prop. 218) is not subject to this section</b>				
Govt. Code 54354.5	Public Hearing prescribing or revising rates or charges for the services or facilities furnished by an "enterprise"	General public	At least 15 days before hearing	Publish notice in a newspaper published in the City once a week for at least two weeks prior to the hearing with the first publication made at least 15 days before the hearing  If no newspaper is published within the City, then post in 3 public places within City for 2 weeks prior to the hearing	<ul style="list-style-type: none"> <li>• Copy of proposed ordinance or resolution</li> <li>• Time of hearing</li> <li>• Place of hearing</li> <li>• Notification that any interested person may appear and be heard</li> </ul> <p>Same as above</p>

## ASSESSMENTS<sup>2</sup>

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Sts. & Hwy. Code 2804 2850 2851 2853	Assessments made pursuant to Special Assessment Investigation, Limitation & Majority Protest Act of 1931	All persons owning property proposed to be assessed who appear on equalized city or county assessment rolls	At least 30 days prior to the date of the hearing	Mail	Complete sample form contained in Sts. & Hwy. Code § 2852
Sts. & Hwy. Code 5194  Govt. Code 54954.6(c)(3)	Improvement Act of 1911. For new or increased assessments levied pursuant to this Act, the procedures of Section 4 of Article XIID must be followed. See procedures above.  Note: Consult the Act under which the assessment was levied for annual notice requirements if the assessment is not being increased or newly levied.				
Sts. & Hwy. Code 18070  Govt. Code 54954.6(c)(3)	Street Lighting Act of 1919. For new or increased assessments levied pursuant to this Act, the procedures of Section 4 of Article XIID must be followed. See procedures above.  Note: Consult the Act under which the assessment was levied for annual notice requirements if the assessment is not being increased or newly levied.				

## ASSESSMENTS<sup>2</sup>

CODE \$	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
<p>Sis. &amp; Hwy. Code 18343</p> <p>Govt. Code 54954;6(c)(3)</p>	<p>Street Lighting Act of 1931. For new or increased assessments levied pursuant to this Act, the procedures of Section 4 of Article XIID must be followed. See procedures above.</p> <p>Note: Consult the Act under which the assessment was levied for annual notice requirements if the assessment is not being increased or newly levied.</p>				
<p>Sis. &amp; Hwy. Code 22090</p> <p>Govt. Code 54954;6(c)(3)</p>	<p>Tree Planting Act of 1931. For new or increased assessments levied pursuant to this Act, the procedures of Section 4 of Article XIID must be followed. See procedures above.</p> <p>Note: Consult the Act under which the assessment was levied for annual notice requirements if the assessment is not being increased or newly levied.</p>				

## ASSESSMENTS<sup>2</sup>

CODE \$	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
<p>Sis. &amp; Hwy. Code 22856</p> <p>Govt. Code 54954.6(c)(3)</p>	<p>Landscaping and Lighting Act of 1972. For new or increased assessments levied pursuant to this Act, the procedures of Section 4 of Article XIIIID must be followed. See procedures above.</p> <p>Note: Consult the Act under which the assessment was levied for annual notice requirements if the assessment is not being increased or newly levied.</p>				
<p>Sis. &amp; Hwy. Code 35260</p> <p>Govt. Code 54954.6(c)(3)</p>	<p>Parking District Law of 1951. For new or increased assessments levied pursuant to this Act, the procedures of Section 4 of Article XIIIID must be followed. See procedures above.</p> <p>Note: Consult the Act under which the assessment was levied for annual notice requirements if the assessment is not being increased or newly levied.</p>	<p>Prop. 218 requirements</p> <p>and; each real property owner or lien-holder in the district whose name and address and designation of property in which he/she has an interest is on file with the office of the clerk.</p>			

## ASSESSMENTS<sup>2</sup>

CODE \$	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Sts. & Hwy. Code 36523  Govt. Code 54954,6(c)(3)	Parking And Business Improvement Area Law of 1989. Not subject to Prop. 218. <i>Howard Jarvis Taxpayers Ass'n v. City of San Diego</i> , 72 Cal. App. 4th 230 (1999).	General public   Business owners in the area  Persons who have filed a written request for notice	At least 7 days before the public hearing   Within 7 days of the adoption of the resolution of intention  Same as above	Publish in newspaper of general circulation in the city   Mail  First class mail	Resolution of intention   Resolution of Intention  Same as above
Sts. & Hwy. Code 36600, 36623	Property and Business Improvement District Law of 1994. For new or increased assessments levied pursuant to this Act, the procedures of Section 4 of Article XIID must be followed. See procedures above.  Note: Consult the Act under which the assessment was levied for annual notice requirements if the assessment is not being increased or newly levied				
Govt. Code 54954,6	Joint Notice of meeting and hearing for assessment exclusively for operations and maintenance to be levied on 50,000 parcels or more		Notice may be provided either through assessment process or tax process		<ul style="list-style-type: none"> <li>• Estimated amount of assessment on various types, amounts or uses of property</li> <li>• All information required to be included with assessment notices</li> </ul>

### PROPERTY RELATED FEES OR CHARGES<sup>3</sup>

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
Cal. Const. Art. XIIIID  Govt. Code 57353 - 57354 53750 53755 53756	Fee or charge - levy other than ad valorem tax, special tax, or an assessment, imposed as an incident of property ownership, including a user fee or charge for a property related service	Notice to be sent by including it in regular billing statement or by any other mailing to the address to which agency customarily mails billing statement. [This may include tenants as well as record owners]  If agency wants to preserve authority to enforce a lien on parcels for fees or charges, must also send notice to record owner if owner's address is different than billing address [NOTE: BB&K recommends that notice go to record owners under all circumstances per Prop. 218 - trumps AB 1260]	At least 45 days before the public "majority protest" hearing	Mailing, postage prepaid, deposited in the US Postal Service	<ul style="list-style-type: none"> <li>• Parcels identified</li> <li>• The amount of the fee or charge proposed to be imposed upon each parcel</li> <li>• The basis upon which the amount of the proposed fee or charge was calculated</li> <li>• The reason for the fee or charge</li> <li>• The date, time and location of the public hearing on the proposed fee or charge</li> </ul> <p><b>NOTE:</b> For all new or increased fees or charges, must conduct "majority protest" hearing as a first step. For new or increased sewer, water and refuse fees or charges, this step is all that is required. For all other new or increased fees or charges, an election is also required [See "additional requirements" below]</p>
<u>Additional Requirements</u>  Cal. Const. Art. XIIIID, Section 6(c)	New or increased fees and charges, besides sewer, water and refuse collection fees and charges	Approved by a majority vote of the property owners of the property subject to the fee or charge, or, by a 2/3 vote of the electorate residing in the affected area	Election conducted not less than 45 days after public "majority protest" hearing above		Agency may conduct a formal "poll" election or may adopt procedures similar to those for assessment increases to conduct election. [Election by mailed ballot: who receives ballots depends upon whether it's a "property owner" election or "2/3 electorate" election]

<sup>3</sup> No attempt is made in these Guidelines to determine whether or not and within what time frame a property related fee or charge is subject to the provisions of Propositions 218, which took effect on November 6, 1996. This must be an individual determination based upon differing facts and circumstances. It is recommended that you consult with your legal counsel to make this determination.



## REDEVELOPMENT PLANS AND AGENCIES

CODE §	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
H & S Code 33385 Govt. Code 65090	Project Area Committee (PAC) Formation	All residents, businesses and community organizations within the project area	At least 30 days prior to formation of the PAC	Mail	Notice of opportunity to serve on PAC
			At least 10 days prior to hearing	Mail	Notice of all meetings, hearings, or plebiscites conducted by the legislative body or agency relative to adoption of redevelopment plan or formation of PAC
H & S Code 33349 33350	Redevelopment Plan Approval/Adoption	General public	At least 10 days prior to hearing	Publish in newspaper of general circulation in the city	Notice of all meetings, hearings, or plebiscites conducted by the legislative body or agency relative to adoption of redevelopment plan or formation of PAC
			Once a week for 4 consecutive weeks prior to hearing	Publish in newspaper of general circulation in city	• Hearing Notice • Legible map of boundaries of redemption area • General statement of scope and objectives of plan
			At least 30 days prior to hearing	Mail	• Statement that copy of legal description of redevelopment project area boundaries is available upon request, free of charge
		Taxing agencies that levy taxes upon any property in the project area	At least 30 days prior to hearing	Certified mail, return receipt requested	

## REDEVELOPMENT PLANS AND AGENCIES

CODE \$	ITEM	TO WHOM	WHEN	WHERE	CONTENTS	
H & S Code 33452 Govt. Code 6063	Redevelopment Plan Amendment	Last known assesseee of each parcel of land in redevelopment project area and land to be added to project area	Same as above, except that publishing is only required for 3 weeks prior to hearing	Same as above	<ul style="list-style-type: none"> <li>• Hearing Notice</li> <li>• Legal description of the redevelopment project area, as recorded with County Recorder, and land proposed to be added to project area, if any</li> <li>• General statement of purpose of amendment</li> <li>• Published Notice</li> </ul>	
		All residents and businesses in redevelopment project area, as proposed to be amended				Taxing agencies that levy taxes upon any property in the project area
		Persons, firms and corporations which have acquired property within the project area from the RDA				
H & S Code 33200	Legislative Body Self Appointment as Redevelopment Agency Board (if an appointive agency has been designated and has been in existence for at least 3 years)	General public	Not less than once during the 10 calendar days immediately prior to hearing	Publish in newspaper of general circulation in city	Notice of public hearing  General statement of procedure and effect of legislative body's declaring itself to be agency board	
			At least 10 days prior to hearing	Post throughout affected project area		
		Parties who have requested information on redevelopment activities	At least 10 days prior to hearing	Mail		

## REDEVELOPMENT PLANS AND AGENCIES

CODE \$	ITEM	TO WHOM	WHEN	WHERE	CONTENTS
H & S Code 33490 Govt. Code 6063	5 year Implementation Plan Adoption	General Public	Once a week for 3 consecutive weeks prior to hearing. Publication and posting must be completed at least 10 days prior to hearing	Publish in newspaper of general circulation in city and post in 4 permanent places within the redevelopment area for a period of three weeks. Must make available on the Internet.	Notice of public hearing
H & S Code 33431, 33433 Govt. Code 6066	Sale of Redevelopment Agency property without public bidding or property acquired with tax increments	General public  Parties who have requested notice on redevelopment activities	at least 3 weeks in advance of hearing	Publish in a newspaper of general circulation in city  Mail	Notice of public hearing
H & S Code 33445, 33679	Use of tax increment funding for public buildings or improvements	General public	Once a week for two consecutive weeks prior to hearing	Publish in a newspaper of general circulation in city  No later than time of 1st publication, make available for public inspection and copying a summary including: <ul style="list-style-type: none"> <li>• estimate of taxes to be used to pay for public buildings or improvements</li> <li>• findings required by H &amp; S Code §33445</li> <li>• redevelopment purpose for which taxes are being paid</li> </ul>	Notice of time and place of public hearing