

## RESOLUTION NO. 2026-28

### RESOLUTION OF THE SOLANO COUNTY BOARD OF SUPERVISORS ADOPTING GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS IN CONNECTION WITH RATE HEARINGS CONDUCTED PURSUANT TO ARTICLE XIIID, SECTION 6 OF THE CALIFORNIA CONSTITUTION

**WHEREAS**, Article XIIID, Section 6 of the California Constitution requires the Board of Supervisors to consider written protests to certain proposed increases to property-related fees or charges; and

**WHEREAS**, this constitutional provision does not offer specific guidance as to who may submit protests, how written protests are to be submitted, or how written protests are to be tabulated; and

**WHEREAS**, upon adoption of this resolution, any and all resolutions, or rules or regulations of this Board in conflict with it shall be repealed and shall have no further force or effect. This resolution supersedes all prior resolutions of the Board to the extent such resolutions established guidelines for the submission and tabulation of protests in connection with rate hearings conducted by the Board pursuant to Article XIIID, Section 6 of the California Constitution.

**RESOLVED** by the Solano County Board of Supervisors that when notice of a public hearing with respect to the adoption or increase of a property-related fee has been given by the County pursuant to Article XIIID, Section 6(a) of the California Constitution, the following shall apply:

#### **SECTION 1: Notice of Delivery**

The County shall give notice of proposed charges via United States mail to all affected property owners of record and customers of record served by the County for the applicable service area.

#### **Section 2: Protest Submittal**

- A. Any property owner of record or customer of record who is the subject of the proposed property-related fee that is the subject of the hearing may submit a written protest to the Solano County Clerk of the Board by:
  1. Delivery to the Clerk of the Board's Office at 675 Texas Street, Suite 6500, Fairfield, CA 94533 during business hours;
  2. Mail to the Clerk of the Board's Office at 675 Texas Street, Suite 6500, Fairfield, CA 94533; or
  3. Personally submitting the protest at the public hearing.
- B. Protests must be received by the end of the public hearing, including those submitted by mail. Postmarks will not be considered. Any protest not physically received by the close of the hearing, regardless of when it was mailed, shall not be counted.
- C. Because an original signature is required, emailed, faxed, or photocopied protests shall not be counted.

- D. Oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest meeting all the requirements.

### **Section 3: Protest Requirements**

- A. All written protests must include the following:
  - 1. A wet signature and legibly printed name of the property owner of record, or the customer of record responsible for payment of the fee, submitting the protest;
  - 2. Clear indication that the signatory opposes the proposed rate increase; and
  - 3. Identification of the parcel for which the protest is filed by street address or Assessor's Parcel Number (APN).
- B. Any protests that does include all required elements listed in subsections (1) through (3) above shall not be counted.

### **Section 4: Protest Withdrawal**

Any person who submits a protest may withdraw it by submitting to the Solano County Clerk of the Board 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 customer of record who submitted both the protest and the request that it be withdrawn.

### **Section 5: Multiple Record Owners or Customers of Record**

- A. Each property owner of record or customer of record of a parcel served may submit a protest. This includes instances where:
  - 1. A parcel is owned by more than one record owner, or more than one name appears on the County's records as the customer of record for a parcel, or
  - 2. A customer of record is not the record owner, or
  - 3. A parcel includes more than one customer of record.
- B. Only one protest will be counted per parcel pursuant to Government Code section 53755(b).

### **Section 6: Transparency, Confidentiality, and Disclosure**

- A. To ensure transparency and accountability in the fee protest tabulation while protecting the privacy rights of record owners and customers of record, protests will be maintained in confidence until tabulation begins following the public hearing.
- B. Once a protest is opened during tabulation, it becomes disclosable public record.

### **Section 7: County Validation of Protest**

The County shall not accept a protest as valid if it determines that any of the following applies:

- A. The protest does not clearly state opposition to the proposed charges.

- B. The protest does not name the property owner of record or the customer of record for the parcel identified in the protest as of the date of the public hearing.
- C. The protest does not identify a parcel that is subject to the proposed charge.
- D. The protest does not bear an original signature of the named property owner of record or customer of record with respect to the parcel identified on the protest. The validity of a signature shall be determined by the County in its reasonable discretion and may include consultation with signature records on file with the County Elections Official.
- E. The protest has been altered in a manner that reasonably calls into question whether it reflects the intent of a property owner of record or a customer of record to protest the charges.
- F. The protest was not received by the County before the close of the public hearing on the proposed charges.
- G. A written request to withdraw the protest was received prior to the close of the public hearing on the proposed charges.

### **Section 8. County Decision is Final**

The County's decision that a protest is not valid shall constitute a final action of the County and shall not be subject to any internal appeal.

### **Section 9: Majority Protest**

- A. A majority protest exists if written protests are timely submitted and not withdrawn by the property owners of record or customers of record with respect to a majority (50% plus one) of the parcels subject to the proposed charge.
- B. While the County may inform the public of the number of parcels served when a notice of proposed rates is mailed, the number of parcels with active customer accounts served on the date of the hearing shall control in determining whether a majority protest exists.

### **Section 10: Tabulation of Protests**

- A. At the conclusion of the public hearing, the County shall tabulate all protests received, including those submitted during the public hearing, and shall report the results to the Board of Supervisors. If the number of protests received is insufficient to constitute a majority protest, the County may determine that no majority protest exists without validating individual protests and may deem all protests received to be valid without further examination.
- B. If the number of protests received is clearly substantially fewer than the number required to constitute a majority protest, the County may determine that no majority protest exists without opening the envelopes in which protests were submitted.

### **Section 11: Report of Tabulation**

- A. At the conclusion of the public hearing, if the County determines that additional time is required to complete the tabulation of protests, the Board of Supervisors may adjourn the meeting to a later date or dates to allow the tabulation to be completed. In that event, the

Board of Supervisors shall announce the time and place at which tabulation will occur, which shall be conducted in a location open to public observation, and shall also announce the time at which the meeting will be resumed to receive and act on the tabulation report.

- B. The County Administrator is authorized and directed to take all steps necessary and proper to implement this resolution.

Passed and adopted by the Solano County Board of Supervisors at its regular meeting on February 10, 2026, by the following vote:

AYES:	SUPERVISORS	<u>James, Williams, Mashburn, and Chair Brown</u>
NOES:	SUPERVISORS	<u>None</u>
EXCUSED:	SUPERVISORS	<u>Vasquez</u>



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MONICA BROWN, Chair  
Solano County Board of Supervisors

ATTEST:  
IAN M. GOLDBERG, Clerk  
Solano County Board of Supervisors

By:   
Alicia Draves, Chief Deputy Clerk