

**GUIDELINES FOR PROTEST TABULATION
CASTLEWOOD CSA (CSA R-1967-1)
HEARING ON INCREASED SERVICE CHARGES FOR WATER MAINTENANCE AND
SEWER MAINTENANCE BEGINNING FISCAL YEAR 24/25**

SECTION 1: Definitions.

Unless the context plainly indicates another meaning was intended, the following definitions shall apply in construction of these guidelines.

- A. "Parcel" means a County Assessor's parcel the owner or occupant of which is subject to the proposed charge that is the subject of the hearing.
- B. "Record customer" and "tenant" mean the person or persons whose name or names appear on the CSA records as the person who has contracted for, or is obligated to pay for the services.
- C. "Record owner" or "parcel owner" means the person or persons whose name or names appear on the County Assessor's latest equalized assessment roll as the owner of a parcel.
- D. A "protest proceeding" is not an election, but the Clerk of the Board and the Public Works Agency will maintain the confidentiality of protests as provided below and will maintain the security and integrity of protests at all times.

SECTION 2: Notice Delivery.

Notice of proposed rates and public hearing shall be as follows:

- A. The County shall give notice of proposed charges via U.S. mail to all record owners served by the County.
- B. The County will post the notice of proposed charges and public hearing at its official posting sites.

SECTION 3: Protest Submittal.

- A. Any record owner who is subject to the proposed increased service charges that are the subject of the hearing may submit a written protest to the Alameda County Public Works Agency, by:
 - i.* Delivery to the **Alameda County Public Works Agency, ATTN: Anita Franklin at 399 Elmhurst, Hayward, CA, 94544 during published business hours.**
 - ii.* Mail to the **Alameda County Public Works Agency, ATTN: Anita Franklin at 399 Elmhurst, Hayward, CA 94544.**
 - iii.* Personally submitting the protest at the public hearing.
- B. Protests must be received at the beginning of the public hearing. By delivery or mail, protests must be received by Monday, May 13, 2024, by 2:00 PM. No postmarks will be

accepted; therefore, any protest not physically received by the beginning of the hearing, whether or not mailed prior to the hearing, shall not be counted.

- C. Because an original signature is required, emailed, faxed, and photocopied protests shall not be counted.
- D. Although oral comments at the public hearing will not qualify as a formal protest, unless accompanied by a written protest, the County welcomes input from the community during the public hearing on the proposed service charges.

SECTION 4: Protest Requirements.

- A. A written protest must include:
 - i. A statement that it is a protest against the proposed charge that is the subject of the hearing.
 - ii. Name of the record owner or tenant who is submitting the protest;
 - iii. Identification of assessor's parcel number or street address of the parcel with respect to which the protest is made;
 - iv. Original signature and legibly printed name of the record owner or tenant who is submitting the protest.
- B. Protests shall not be counted if any of the required elements (i thru iv) outlined in the preceding subsection "A." are omitted.

SECTION 5: Protest Withdrawal.

Any person who submits a protest may withdraw it by submitting to the 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 who submitted both the protest and the request that it be withdrawn.

SECTION 6: Multiple Record Owners.

- A. Each record owner or tenant of a parcel served by the CSA may submit a protest. This includes instances where:
 - i. 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
 - ii. A customer of record is not the record owner, or
 - iii. A parcel includes more than one record customer, or
 - iv. Multiple parcels are served via a single account, such as multiple family residential units.
- B. Only one protest will be counted per parcel as provided by Government Code Section 53755(b).

SECTION 7: Transparency, Confidentiality, and Disclosure.

- A. To ensure transparency and accountability in the protest tabulation while protecting the privacy rights of record owners and customers of record, protests will be maintained in confidence until tabulation begins.
- B. Once a protest is opened during the tabulation, it becomes a disclosable public record, as required by state law and will be maintained in County files for two years.

SECTION 8: The County shall not accept as valid any protest if they determine that any of the following are true:

- A. The protest does not state its opposition to the proposed charges.
- B. The protest does not name the record owner or record customer of the parcel identified in the protest as of the date of the public hearing.
- C. The protest does not identify a parcel served by the CSA that is subject to the proposed charges.
- D. The protest does not bear an original signature of the named record owner of, or record customer with respect to, the parcel identified on the protest. Whether a signature is valid shall be entrusted to the reasonable judgment of the Clerk of the Board, who may consult signatures on file with the County Elections Official.
- E. The protest was altered in a way that raises a fair question as to whether the protest actually expresses the intent of a record owner 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 request to withdraw the protest was received prior to the close of the public hearing on the proposed charges.

SECTION 9: County's Decisions 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 10: Majority Protest.

A majority protest exists if written protests are timely submitted and not withdrawn by the record owners of, or customers of record with respect to, a majority (50% plus one) of the parcels subject to the proposed charges.

SECTION 11: Tabulation of Protests.

At the conclusion of the public hearing, the County shall tabulate all protests received, including those received at the beginning of the public hearing, and shall report the result to the Board of Supervisors. If the number of protests received is insufficient to constitute a majority protest, the County may determine the absence of a majority protest without validating the protests received, but may instead deem them all valid without further examination. Further, if the number of protests received is obviously substantially fewer than the number required to

constitute a majority protest, the County may determine the absence of a majority protest without opening the envelopes in which protests are returned.