

# People Without Property Left Out Of The Democratic Process With Proposition 218

## *A Call For Long Beach City Council To Reject Resolution No. UT-1482 at the September 5, 2023 City Council Meeting*

**By Adreana Langston**

I showed up at the August 29, 2023 Long Beach Water Commissioners meeting to lodge my protest against the 9% rate increase the Water Commissioners are about to send to Long Beach City Council for approval at the September 5, 2023 meeting.

[My particular protest involved nuance as it was not against rate increases per se](#) but against rate increases that were unaccompanied by crackdowns on property owners who force their tenants to waste water.



<https://bit.ly/StatementToWaterCommissioners>

But the nuance and my entire protest brought no bearing on the Water Commissioners at the meeting because their decision was already made and because my particular protest *did not count at all*. The meeting was a perfunctory meeting mandated by Proposition 218. The meetings to actually have public input on whatever recommendations the Water Commissioners would make had already passed and I had missed them - [as Commissioner Shannon was quick to point out](#).



<https://bit.ly/CommissionerShannonAugust29th2023>

Why had I missed the meetings? Because I was not informed about them. Why was I not informed about them, because I am a Long Beach *renter* instead of a Long Beach property *owner*. Proposition 218 was promoted by the conservative Howard Jarvis Taxpayer Association anti-tax group as a way to make it more difficult for municipalities to generate revenue for city or county infrastructure. The proposition was passed in 1996 and in most cases it requires two steps before any new taxes or fees can be imposed by a municipality. “[Step one is a public hearing at which property owners may lodge a protest. Step two, if the process is not killed at step one, is a ballot proceeding to gain approval of voters \(consisting of property owners\).](#)” (from the California Stormwater Quality Association website <https://bit.ly/CASQAProp218>)

Read below from the "[Propositions 26 and 218 IMPLEMENTATION GUIDE | AUGUST 2021](#)" from CaCities.org about who gets Proposition 218 notices. (<https://bit.ly/Prop26And218Implementation>)

*2. Who gets notice? Notices must be mailed to the owners of record of the parcels to be assessed as reflected in the last equalized assessment roll, or in the case of a public agency, to the public agency's known representative. (Gov. Code § 53750(j) [“Record owner’ means the owner of a parcel whose name and address appears on the last equalized secured property tax assessment roll, or in the case of any public entity, the State of California, or the United States, means the representative of that public entity at the address of that entity known to the agency.”].) The consensus of public lawyers is that separate notice need not be provided to tenants.<sup>28</sup> Because the assessment roll is often updated only annually, it is commonly out of date. Moreover no data set is perfect. Nevertheless, notice must be mailed to the addresses on the roll and doing so satisfies the statute. (Cf. Griffith v. Pajaro Valley Water Management Agency (2013) 220 Cal.App.4th 586, disapproved of by City of San Buenaventura v. United Water Conservation Dist. (2017) 3 Cal.5th 1191 [notice of property related fee under art. XIII D, § 6 could be given to record owners even when Agency knew tenants paid the fee].)*

Read what the California Stormwater Quality Association says about how the two step process is supposed to take place. (<https://bit.ly/CASQAProp218>)

*The property-related fee process requires public approval in two distinct steps, both of which must be completed successfully for the fee to be approved. The first step is a public notice mailed to each property owner followed by a public hearing 45 days later held by municipality. If a majority of all affected property owners protest the proposed fee at this initial protest hearing, the proposed fee cannot be imposed, and the process is concluded for that year. If a majority protest is not received, the municipality may take the second step: submit the fee to a balloting of property owners subject to a simple majority (or, alternately, all registered voters subject to a two-thirds majority).*

It doesn't even matter if it is known by the municipality that the tenants in the property are the ones who pay the water bill. The statute does not require the municipality to inform tenants of meetings regarding imposing new fees. The statute does not even require the municipality to include renters in the balloting. Renters (as a subset of all registered voters) can be included, but it is not required.

[In the youtube click linked to the right the Long Beach Water Department lawyer is stating the outcome of the protest meeting.](#)

Notice she mentions that the protests have not been certified by the Long Beach City Clerk. The Long Beach City Clerk would have been certifying that the protesters were property owners. As I am not a Long Beach property owner or Long Beach Water Department account holder my protest would not have counted either way.

But I'm the one paying the bill. I live in a 126 unit apartment complex. I pay the City of Long Beach for the natural gas that runs my stove. I pay Southern California Edison for my electricity. In addition, I receive from the apartment owner, a company in Tarzana that is in the business of owning rental properties, a monthly bill that is separate from my rent and covers utilities, including water. It's a prorated bill in



<https://bit.ly/ConclusionOfProtest>

*Adreana Langston Public Comment For Long Beach City Council Sept 5, 2023 Meeting*

<https://bit.ly/AdreanaContact>

which all the water consumption of the building is invoiced on one master bill from the city of Long Beach Water Department. The amount on that bill is then divided by the number of units in the building.

I'm in an ongoing dispute with the property owner right now over inconsistent hot water. I have [a video log of me standing next to faucets in my house with a laser thermometer pointed at the water coming out of the tap](#). In the videos I'm waiting sometimes



<https://bit.ly/NoHotWaterVideos>

over 4 minutes for the water to reach over 100 degrees when the tap is turned all the way to hot. The water doesn't reach 120 degrees, the level of heat generally understood to be germ killing. So while I wait those minutes I am paying for the cold water that goes down the drain. Not only in my unit but in all the other 126 units as well. As a renter I don't have the option to modify my unit with an under the sink device that immediately electrifies the water to 120 right before it comes out of tap. I don't have the option to rip out all the landscaping in the building and replace it with a rock garden or succulents. I don't have the authority to force the building to fix leaky sprinklers that I see in the landscaping. I don't have the authority to switch out the dishwasher in my unit or the washing machines

in the laundry area for more water efficient models. And Proposition 218 also robs me of the franchise of having input into whether and how my water rates get increased.

This is straight up taxation without representation and as School House Rock sang back when I was young "It's not fair!" . The percentage of residents in Long Beach, California who rent is calculated to be between 57% and 59%. The way Proposition 218 is implemented is disenfranchising the majority of residents in the city. After the August 29th meeting official ended I approached Commissioner Shannon and told him that I never got an opportunity to participate in the earlier meetings he mentioned because I never got the notices because the notices only went to the property owners. You know what he patronizingly said to me? He said that the Water Commissioners have known for years that this is a problem and that eventually they hope to get it resolved. What kind of answer is that? After that meeting I wrote Assemblyman Lowenthal and Senatress Gonzalez and told them I wanted them to work on getting the law associated with Prop 218 amended so that renters get notices and are included in the balloting. This type of lobbying is what the Water Commissioners and the City Councilmembers of Long Beach should have been doing all along. Until the law is amended the City of Long Beach should have, as the law allows, taken it upon itself to include renters in the notification and in the balloting.

Because the City of Long Beach did not do this, the process whereby the rate increase was submitted to public input and the process whereby the protest meeting was held were both inherently undemocratic and disenfranchising of the majority of the electorate in Long Beach. It is for this reason that I am asking that you to vote no on Resolution No. UT-1482. Send the Water Commissioners back to the drawing board to redo the entire resolution process. Only this time, involve everyone who actually pays the water bill, whether or not they are the rate payer on the Long Beach Water Department account.

Sincerely,  
Adreana Langston