

HOWARD JARVIS, Founder (1903-1986)
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Howard Jarvis Taxpayers Foundation

Howard Jarvis, Founder

Christopher Koontz, Director, Department of Development Services
City of Long Beach
411 West Ocean Blvd, 4th Floor
Long Beach, CA 90802

Via FedEx Overnight Mail and Email

February 16, 2023

Re: Long Beach Municipal Code § 18.29.080(I) Appeal Hearing Request

Dear Director Koontz:

The Howard Jarvis Taxpayers Foundation represents Eileen Marsac and the Marsac Family Trust in this matter. We request an appeal hearing regarding the 2023 vacant lot monitoring fee imposed on the properties at 324 Ultimo Avenue, and 325 Flint Avenue, Long Beach, CA 90814, APNs 7246-026-010 and 7246-026-032.

The address of the property owner for service of notice regarding this appeal is:

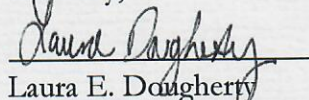
Howard Jarvis Taxpayers Foundation, Counsel for Eileen Marsac
1201 K Street, Suite 1030
Sacramento, CA 95814

We request electronic service and service by U.S. mail. Electronic service should be delivered to: laura@hjta.org; CC: kiaya@hjta.org. Our telephone number is 916-444-9950.

The Long Beach vacant lot monitoring fee is either an unconstitutional charge for general governmental service or a Proposition 218 property-related fee. (Cal. Const., art. XIII D, § 6.) If not unconstitutional as a charge for general governmental service, it requires a majority approval of the affected property-owners or two-thirds of the electorate. (*Id.*, at § 6(c).) Having no such approval, the fee is unconstitutional either way. Additionally, the fee fails as disproportionate. (*Id.* at § 6(b).) It duplicates Long Beach Municipal Code Chapters 8.56 and 8.58 regarding weed, debris, and graffiti abatement, while targeting select property owners with an exorbitant fee that owners of improved lots do not pay regardless of being equally policed. (See *id.* at § 6(b)(5).) The burden of proof is on the Department. (*Ibid.*)

We look forward to hearing from you. Please kindly be aware that counsel is out of the country from March 27 – April 12, 2023. Your accommodations with scheduling would be appreciated.

Sincerely,


Laura E. Dougherty

Counsel for Eileen Marsac and the Marsac Family Trust

CC: christopher.koontz@longbeach.gov; alyssa.brown@longbeach.gov; lbds@longbeach.gov