

ORDINANCE NO. 2025-_____

**AN ORDINANCE OF THE CITY OF CULVER CITY,
CALIFORNIA, ADDING A NEW CHAPTER 3.12 TO TITLE 3 OF
THE CULVER CITY MUNICIPAL CODE ENTITLED
EXHAUSTION OF ADMINISTRATIVE REMEDIES FOR
CHALLENGES TO FEES, CHARGES, AND ASSESSMENTS
ON REAL PROPERTY**

WHEREAS, this Ordinance is an exercise of the City's authority under California Constitution, article XI, sections 5 (charter cities), 7 (police power), and 9 (utility power) as well as Government Code section 53759.1.

NOW, THEREFORE, the City Council of the City of Culver City, California,
DOES HEREBY ORDAIN, as follows:

SECTION 1. Chapter 3.12 of Title 3 of the Culver City Municipal Code is hereby added as follows:

**CHAPTER 3.12: EXHAUSTION OF ADMINISTRATIVE REMEDIES
FOR CHALLENGES TO FEES, CHARGES, AND ASSESSMENTS
ON REAL PROPERTY.**

§ 3.12.005 SCOPE.

A. The duty to exhaust administrative remedies imposed by this Chapter extends to:

- a. any fee or charge subject to articles XIII C or XIII D of the California Constitution,
- b. any assessment on real property levied by the City, and
- c. the methodology used to develop and levy such a fee, charge, or assessment.

B. "Hearing" as used in this Chapter means the hearing referenced in § 3.12.015.A.4.

1 **§ 3.12.010 DUTY TO EXHAUST ISSUES.**

2 No person may bring a judicial action or proceeding alleging noncompliance with
3 the California Constitution or other applicable law for any new, increased, or extended
4 fee, charge, or assessment levied by the City, unless that person submitted to the City
5 Clerk a timely, written objection to that fee, charge, or assessment specifying the
6 grounds for alleging noncompliance. The issues raised in any such action or
7 proceeding shall be limited to those raised in such an objection unless a court finds
8 the issue could not have been raised in such an objection by those exercising
9 reasonable diligence.

10 **§ 3.12.015 PROCEDURES.**

11 A. The City shall:

- 12 1. Make available to the public any proposed fee, charge, or assessment
13 to which this section is to apply no less than 45 days before the
14 deadline for a ratepayer or assessed property owner to submit an
15 objection pursuant to paragraph 4 of this subsection.
- 16 2. Post on its internet website a written basis for the fee, charge, or
17 assessment, such as a cost of service analysis or an engineer's report,
18 and include a link to the internet website in the written notice of the
19 Hearing, including, but not limited to, a notice pursuant to subdivision
20 (c) of Section 4 or paragraph (1) of subdivision (a) of Section 6 of
21 Article XIII D of the California Constitution.
- 22 3. Mail the written basis described in paragraph 2 of this subsection A to
23 a ratepayer or property owner on request.
- 24 4. Provide at least 45 days for a ratepayer or assessed property owner to
25 review the proposed fee or assessment and to timely submit to the City
26 Clerk a written objection to that fee, charge, or assessment that
27 specifies the grounds for alleging noncompliance. Any objection shall
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1 be submitted before the end of the public comment portion of a
2 Hearing on the rate, charge or assessment.

3 5. Include in a written notice of the Hearing, in bold-faced type of 12
4 points or larger:

5 a. A statement that all written objections must be submitted to the
6 City Clerk by the end of public comment period at the Hearing
7 and that a failure to timely object in writing bars any right to
8 challenge that fee, charge, or assessment in court and that
9 any such action will be limited to issues identified in such
10 objections.

11 b. All substantive and procedural requirements for submitting an
12 objection to the proposed fee, charge, or assessment such as
13 those specified for a property-related fee under California
14 Constitution, article XIII D, section 6(a) or for an assessment
15 on real property under California Constitution, article XIII D,
16 section 4(e).

17 B. *Council Consideration; City Responses.* Before or during the Hearing, the
18 City Council shall consider and the City shall respond in writing to, any timely
19 written objections. The City Council may adjourn the Hearing to another date
20 if necessary to respond to comments received after the agenda is posted for
21 the meeting at which the Hearing occurs. The City's responses shall explain
22 the substantive basis for retaining or altering the proposed fee, charge, or
23 assessment in response to written objections, including any reasons to reject
24 requested amendments.

25 C. *City Council Determinations.* The City Council, in exercising its legislative
26 discretion, shall determine whether:
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1. The written objections and the City's response warrant clarifications to the proposed fee, charge, or assessment.
2. To reduce the proposed fee, charge, or assessment.
3. To further review the proposed fee, charge, or assessment before determining whether clarification or reduction is needed.
4. To proceed with the Hearing, to continue it, or to abandon the proposal.

SECTION 2. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason or any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases, or words of this Ordinance, and as such they shall remain in full force and effect.

SECTION 3. Pursuant to Section 619 of the City Charter, this Ordinance shall take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption, the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the Culver City News and shall post this Ordinance or a summary thereof in at least three (3) places within the City.

APPROVED and ADOPTED this _____ day of _____ 2025.

ATTEST:

JEREMY BOCCHINO
City Clerk

DAN O'BRIEN, Mayor
City of Culver City, California

APPROVED AS TO FORM:



HEATHER BAKER
City Attorney