

CITY OF SAN DIEGO
DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT (PBID) RENEWAL
GUIDELINES FOR THE RETURN AND TABULATION OF ASSESSMENT BALLOTS

I. Completion of Ballots

• **Who will be mailed a ballot**

For all parcels in the proposed Downtown PBID, a ballot and notice will be sent to: (1) the Record Owner of the property (owner whose name and address appear on San Diego County's last equalized secured property tax assessment roll) in compliance with the balloting procedures of Article XIIIID of the California Constitution; and (2) any New Owner of the property (owner whose name and address appear on updated records provided by San Diego County at the City's request) (Record Owners and New Owners herein referred to collectively as "Owners"). It is the City's intent to afford an opportunity to vote to all property owners who will be liable for the assessment if the Downtown PBID is renewed.

• **Who may complete a ballot**

A ballot may be completed by the Owner, or authorized representative of the Owner, of the parcel(s) identified on the ballot.

• **Replacement ballots**

If a ballot is lost, withdrawn, destroyed, or never received, the City will mail a Replacement ballot to the Owner upon the City Clerk's receipt of a request in writing using the "Request to Withdraw Ballot / Request for Replacement Ballot" form (Request Form). Replacement ballots will not be mailed for requests received by the City Clerk after 5:00 pm on Tuesday, May 5, 2015. To request and receive a Replacement ballot after 5:00 pm on Tuesday, May 5, 2015, the requestor must appear in person to the City Clerk's Office and show proof of identity (individual Owner) or business identity as the business representative (non-individual Owner) to pick up the Replacement ballot in person. The Replacement ballot will be marked to identify it as a Replacement ballot. The same procedure applies to Replacement ballots which are lost, withdrawn, destroyed, or never received.

• **Marking and signing the ballot**

To complete an assessment ballot, the person submitting the ballot must (1) stamp or mark the appropriate box supporting or opposing the proposed assessment for one (or more) parcels, and (2) sign the statement on the ballot that the person completing the ballot is the current Owner, or authorized representative of the current Owner, of the parcel. Only one master box may be stamped or marked for collective response (see ballot section indicating "master

vote for all parcels") and only one box may be stamped or marked per each individual parcel.

Only assessment ballots provided by the City will be accepted.

II. Return of Ballots

• **Where to return ballots**

Ballots may be mailed to the address indicated on the ballot. Ballots may also be delivered in person to the City Clerk's Office at City Hall prior to Monday, May 11, 2015 at 2:00pm, or delivered to the City Clerk at the public hearing on the proposed assessment (Public Hearing). Ballots delivered by any other means shall not be considered "received by the City."

• **When to return ballots**

All returned ballots must be received by the City prior to the time the City Council closes the public input portion of the Public Hearing, presently scheduled for 2:00pm on May 11, 2015. Ballots received by the City after the close of the public input portion of the Public Hearing will not be counted regardless of the postmarked date. The public input portion of the Public Hearing may be continued from time to time. The City Clerk will endorse on each ballot return envelope the date of its receipt.

• **Withdrawal of assessment ballots**

Once a ballot has been submitted to the City, only the Owner, or Owner's authorized representative, of the parcel(s) listed on the ballot may withdraw the ballot by completing and submitting the Request Form to the City Clerk, directing the City Clerk to withdraw the ballot. The City Clerk must receive the Request Form prior to the close of the public input portion of the Public Hearing. When ballots for the assessment are tabulated, the City Clerk will segregate withdrawn ballots from all other returned ballots. The City Clerk will retain all withdrawn ballots and mark each to indicate that it has been withdrawn.

An Owner, or authorized representative, may withdraw a ballot and request a Replacement ballot using the same Request Form.

• **Changes to assessment ballots**

In order to change the contents of a ballot that has been submitted, (1) the person who has signed that ballot must request that such ballot be withdrawn, and (2) request that a Replacement ballot be issued, then (3) the Owner, or authorized representative, must return the Replacement

ballot fully completed. Each of these steps must be completed according to the procedures set forth above.

III. Tabulation of Ballots

- **Which assessment ballots will be counted**

Only ballots which are completed and returned in compliance with these procedures will be counted. Ballots received by the City after the close of the public input portion of the Public Hearing will not be counted. Ballots withdrawn in accordance with these procedures will not be counted. Ballots without a signature will not be counted. Ballots will not be counted if (1) no boxes are marked; (2) more than one box is marked per parcel; (3) more than one box is marked for all parcels (see ballot section indicating "master vote for all parcels"); or (4) the markings are vague such that voter intent is not clear.

The City will keep a record of each Replacement ballot mailed or otherwise provided to an Owner and will verify during tabulation that only one ballot has been returned per Owner.

The following rules will apply if the City receives more than one countable ballot for a parcel from the same Owner: If a non-Replacement ballot has been returned and not withdrawn in writing, then the City will count the non-Replacement ballot and disregard all Replacement ballots. If the non-Replacement ballot has been withdrawn, then the corresponding Replacement ballot shall be counted. If only Replacement ballots have been returned, none of which have been withdrawn, then the City will count the first Replacement ballot received by the City and disregard all other Replacement ballots. If a Replacement ballot has been withdrawn, then the City will count the next Replacement ballot the City receives following ballot withdrawal.

The following rules will apply if the City receives more than one ballot from different Owners for the same parcel(s): The City shall make reasonable efforts to determine whether each Owner holds ownership interest in the parcel as of May 1, 2015. If the City determines that a ballot was submitted by an Owner having no ownership interest in the parcel as of May 1, 2015, the ballot submitted by that Owner will not be counted. Each ballot submitted by an Owner with ownership interest in the property as of May 1, 2015 will be counted, subject to these guidelines, and the amount of the proposed assessment to be imposed upon the identified parcel shall be allocated in accordance with California Government Code §53753 (c) (3).

- **How ballots will be tabulated**

Ballots may be counted by hand, by computer or by any other tabulating device.

Ballots will be tabulated by totaling the ballots submitted in opposition to the assessment and totaling the ballots submitted in favor of the assessment. For tabulation purposes, each ballot shall be weighted according to the proportional financial obligation of the affected parcel. Where multiple Owners submit a ballot for the same parcel, then the tabulation and weighting shall be as described above. Estimated assessment obligation is noted on the ballot for each property/parcel listed.

- **Who will tabulate ballots**

Ballots will be tabulated by the City Clerk, who may be assisted by any of the staff and consultants of the City.

- **Results of tabulation**

The results of the tabulation will be announced during the City Council meeting then in session following the completion of the tabulation and entered in the minutes of that City Council meeting. If ballots submitted in opposition to the proposed assessment exceed ballots submitted in favor of the proposed assessment (as tabulated above), the assessment will not be imposed.

IV. Ballot Confidentiality

Returned ballots shall remain sealed in their return envelopes until tabulation commences. During and after tabulation, ballots are public records.

V. Reliance

The City may rely on the statement on the ballot signed under penalty of perjury that the person completing the ballot is authorized to submit the ballot. The City will be under no duty to obtain or consider any other evidence as to whether the signer of the ballot is the Owner, or Owner's authorized representative, and the City's determination will be final and conclusive. The City will only make reasonable efforts to ascertain ownership if more than one ballot is returned in connection with one property/parcel.

VI. Status of Proceedings

Ballot proceedings are a majority protest proceeding conducted pursuant to California Government Code §53753. These proceedings do not constitute an election or voting for purposes of Article II of the California Constitution or of the Elections Code.

VII. Delegation

For purposes of these guidelines, "City Clerk" includes any person designated by the City Clerk to perform a function.

VIII. Further Information

For further information, please contact Elizabeth Studebaker, Program Manager, Economic Development, 1200 Third Avenue, 14th Floor, San Diego, California 92101 or telephone (619) 533-4561.