

To Begin With

Q: WHAT TYPE OF PROJECTS CAN BE MADE THROUGH ASSESSMENTS?

A: The following are some types of projects that can be made through assessments:

- Paving
- Curbs
- Gutters
- Sidewalks
- Sewers
- Storm Drains
- Street Trees
- Street Lights
- Etc.

Q: What do you mean – “special assessment proceedings?”

A: It's a democratic way by which a majority of you and your neighbors can get together to pave your street, build sewers, etc. and pay your fair share over a period of time.

Q: Tell me more - what's the authority?

A: Generally speaking it's the “Improvement Act of 1911”... a State law. If you're interested in looking further into this, it's Division 7 of the Streets and Highways Code, obtainable in the public library.

Q: Who pays for the improvements?

A: You the property owner.

Q: Why doesn't the City pay for all of them?

A: Because “the City” is “you”... and if this were the practice, you would end up paying for everybody else's street. The assessment district procedure is the fairest.

Q: But how about the gas tax money and all the other taxes I pay each year?

A: Generally speaking tax money is not used for purely local improvements. It's the policy in this and most other cities to require that local improvements be paid for by the benefiting property and not out of general taxes which are needed for other things. On major streets, gas taxes are used to pay for part of the costs.

Q: What kind of work can be done under assessment proceedings?

A: The usual things are curbs, gutters, pavement, sidewalks, storm drains, street lights, sewers and street trees.

Q: Are certain improvements mandatory?

A: Yes... it is council policy that all street projects include sidewalk, street trees and street lights unless unusual circumstances are present. City policy also requires installation of sewers where permanent pavement is to be installed.

To Start a Petition

Q: How do I start such improvements?

A: Visit or call the nearest branch office of the City's Bureau of Engineering:

Q: What do I ask for?

A: A petition form for assessment work. You may [download the petition](#) from the Bureau of Street Lighting's public web page.

Q: Do I have to prepare the form and fill in all the blanks?

A: No. Just tell the engineer what kind of work you want done. He'll advise you and prepare the form.

Q: What do I do with the form?

A: It's your job to circulate it for your neighbors' signatures. Make sure they read the petition, understand it and have an idea of the cost. Your neighbors may obtain further information by contacting the branch engineering office.

Q: Who should I get to sign it?

A: Property owners who will benefit from the work. The engineer will tell you what streets and property are involved, if you are in doubt.

Q: How many should sign it?

A: Those representing over half the area to be assessed would be sufficient...but more is desirable. If you can get every benefiting property owner to sign it, that's the best. Protest later on can delay the work or even cause the project to be abandoned.

Q: When will I hear from the City?

A: After Engineering has completed a preliminary investigation, the City will mail each property owner a Petition Validation Survey with an estimate of your portion of the cost of the project.

Q: What is the purpose of the Petition Validation Survey?

A: If the Petition Validation Survey shows a majority of the property owners are still in favor of the project, then, the City Council will grant the petition.

Q: Who gets the completed petition after I get all the signatures?

A: Bring or mail it to the office where you received it...that is, the engineering office.

Q: Is there anything else that I or my neighbors have to do then?

A: No...except to keep in contact with the branch engineering office if you want to follow the status of the job.

Q: How will I know if my petition is granted or not?

A: The City Clerk will send you a letter telling you what action the City Council took on your petition.

Q: Are petitions very often denied?

A: No...providing you have enough signatures, and the signers are owners who benefit, and the proposed work is feasible.

Q: Is such work ever started without a petition...or without a majority petition?

A: Yes. The City Council can start an assessment proceeding at any time by approving the project environmentally and declaring that the public interest requires it.

Q: What might prompt the Council to do this

A: Public safety, traffic demands, public health and welfare, etc.

The Petition is Granted

Q: What happens then?

A: Many things...Engineers must order surveys, prepare plans, specifications, cost estimates, make a preliminary estimate of the benefits and assessments, and must obtain whatever right of way necessary. Public funds may have to be made available. In short, almost every Bureau and Department of the City, and outside agencies may become involved.

Q: Is there anything I can do to help?

A: Yes. You can keep yourself and neighbors informed of progress on your improvement, recognizing that all of these things necessarily take time...approximately 18 to 24 months for projects requiring no right of way, 12 more if right of way is involved, and additional 12 months if acquisition of right of way requires condemnation. Keep in touch with the engineer at the branch office... he may suggest other ways you may help... but remember, he has a job to do too, so be patient and recognize his time is valuable also.

Q: Anything else I can do?

A: Yes. If the City needs to acquire part of your property, recognize that it's only so the improvements can be put in. Cooperation will be to your advantage...and if you can explain this to your neighbors, you may help a great deal.

Q: How will I know the job is ready to commence so I can protest what I may not like about it?

A: The City Council will adopt an "Ordinance of Intention" and all benefiting property owners will be notified by letter and by a newspaper announcement. All these notices will

say that on such-and-such date at 10:00 A.M. in the Council Chamber the City Council will hear and consider protests.

Q: Where can I get details of the proposed work?

A: The construction drawings may be inspected at the branch office of the Bureau of Engineering.

Q: Will I be notified of my share of the costs?

A: Yes... the notice contains an estimate of your share of the costs and the total cost of the project.

Q: How does the City know if I am an owner?

A: The City Clerk's Land Records Division should have your name, current address, and complete property description. If signers of protests are not shown on the last equalized assessment roll as owners, they must show by written evidence that they are the owners. If you are in doubt go or write to City Clerk's Land Records Division's office, 201 N. Figueroa Street, 7th Floor, Los Angeles, CA 90012, Tel. (213) 977-6018

Q: Suppose I don't receive a notice. Will my property still be assessed?

A: Yes...under State law we are not required to search further than the City Clerk's records.

Voting for the Project

Q: What is proposition 218?

A: Proposition 218 is an amendment to the constitution of the State of California that assures property owners they will not be assessed for improvements or services without the opportunity to vote on the assessment.

Q: How I am going to know when to vote?

A: Notices of adoption of the Ordinance of Intention and Assessment ballots will be mailed by the City Clerk to the owners of real property proposed to be assessed, in this assessment ballot proceeding, all in the manner and in the form required by law.

Q: How many votes does it take to abandon an assessment project?

A: At the conclusion of the public hearings, the City Council will tabulate the assessment ballots submitted, and not withdrawn, in support or opposition to the proposed assessment. The Council will not impose the assessment if there is a majority protest.

Q: What is a majority protest?

A: A majority protest exists if the assessment ballots submitted, and not withdrawn, against the proposed assessment exceed the assessment ballots submitted, and not

withdrawn, in its favor. The assessment ballots are weighed by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted. Upon adoption of the tabulated assessment ballots, the City Council may confirm or abandon the proposed assessment.

The Protest Hearing

Q: What is a Protest Hearing?

A: It is a public testimony hearing about the enactment of these assessment proceedings, conducted at least 45 days from the adoption of the Ordinance of Intention. The assessment ballots required by prop 218 are counted and protests against the proposed improvement and assessment are heard by the City Council during this hearing.

Q: What is the basic purpose of the protest hearing?

A: To decide whether or not do the work.

Q: Does my protest have to be in writing?

A: Yes... you may also appear in person on the scheduled hearing day.

Q: Who do I mail my protest to?

A: City Clerk, City hall, Los Angeles 90012.

Q: How soon does the City Clerk have to get my protest?

A: Before 10:00 A.M. on the day of the hearing.

Q: Can I protest that my estimated assessment is too high?

A: You can.

Q: If I and several of my neighbors want to protest, do we all have to write separate letters and all appear at the hearing?

A: No... you can all sign your names to the same letter, but don't forget to identify each property represented. At the hearing, it is best if you agree on a spokesperson to represent the group.

Q: Can I still protest, even though I signed the original petition?

A: Yes, you can change your mind... but you should have a very good reason for doing so! The City has incurred considerable expense on the project up to this time.

Q: How many protests does it take to abandon the project?

A: It is not really "how many," it is the percentage of assessable area owned by protestants within the assessment district that counts.

Q: What percentage does it take then?

A: Over 50% protest would prevail. Occasionally, a protest can be resolved by modifying the project.

Q: Can a protest be withdrawn?

A: Yes... anytime before the Council votes on your project.

Q: Can I ever-re-start a project, once it is protested out?

A: Yes... after one year.

Project Construction

Q: If the improvement is OK'd what happens next?

A: The Council instructs the Board of Public Works and the Bureau of Engineering to proceed with the work.

Q: Does the City then construct the improvements?

A: No. All work must be publicly advertised for competitive bids from licensed contractors.

Q: Does the project have to be awarded to the lowest responsible bidder?

A: If it is a good bid... yes!

Q: What if the lowest bid is higher than the City Engineer's estimate?

A: We can either reject all bids and re-advertise, award the contract to the low bidder, or abandon the project... However, if it is proposed to award to the low bidder and the assessable portion of the bid exceeds the City Engineer's estimate of the assessable cost by more than 15% you will receive written notice in advance and may be asked to comment.

Q: When will the work start?

A: Within about 45 days of the award of the contract.

Q: Will I have to do any work on my property?

A: Occasionally, yes, but replacement in kind of existing improvements (such as driveways) will be paid for by the City. With your consent, certain additional work can be done as part of the assessment. The engineer will usually contact you about this.

The Final Hearing

Q: How will I know when all the work is satisfactorily completed?

A: After the inspector, the engineer, and the Board of Public Works are satisfied with

the completed work, a “final assessment” is filed. The City Clerk then notifies every property owner of hearings before the Board of Public Works and the City Council.

Q: Will I get a notice?

A: Yes, provided that the City Clerk has your current address. The notice will also be published in the paper.

Q: What is the basic purpose of these hearings?

A: Generally to consider two subjects...whether the work was done in accordance with the plans and specifications and whether the assessments are equitably distributed.

Q: Does my protest have to be in writing?

A: Yes... and must be filed with the City Clerk before the day of the hearing.

Q: Can I also appear in person?

A: Yes.

Q: Can I also protest the amount of my assessment?

A: Yes...but remember, nobody really likes to be assessed. You should have some reasonable basis.

Q: What can the Board of Public Works or the Council do about valid complaints at this stage?

A: They can and will correct the situation if changes are deemed necessary.

Payment

Q: When is the assessment final?

A: As soon as the Council hearing is over, all the corrections made, and the council has “confirmed the proceedings and assessments.”

Q: When must I pay?

A: You will get a bill showing your total assessment, which can be paid in cash without interest or penalty within 30 days of confirmation.

Q: What if I can't or don't want to pay it all at once?

A: if your assessment is more than \$150, you can make installment payments. The Council establishes payment terms and corresponding interest rates. Payments may be from one to ten years based upon the amount of your assessment.

Q: Will I be notified when installments are due?

A: yes... the City Treasurer sends notices for annual principal and interest payments in October, and for interest only, in April.

Q: What happens if I don't pay on time?

A: Penalties are assessed.

Q: Can I complete the payment of my whole assessment before is due?

A: Yes... However, if payment is made more than 30 days after confirmation there will be a penalty equal to 5% of the unmatured principal.

Q: What happens if I sell?

A: The buyer must assume the unpaid assessment unless the remaining assessment and penalty are paid at the time of sale.