

**From:** [Nick](#)  
**To:** -- City Clerk  
**Cc:** -- City Council  
**Subject:** Opposition to Resolution Restricting Legal Recourse for Protesting Agency Fees and Assessments  
**Date:** Monday, December 16, 2024 4:19:17 PM

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Dear Honorable Mayor and Members of the Petaluma City Council,

As a ratepayer and property owner in Petaluma I urge you to not adopt the proposed resolution requiring individuals protesting property-related agency fees or assessments to exhaust all administrative remedies before filing a lawsuit and limiting lawsuits to issues raised during the administrative process. While administrative processes are important, this resolution would place an unfair and unreasonable burden on residents seeking to protect their rights.

### 1. Erosion of Residents' Legal Rights

This proposal severely limits the ability of residents to challenge agency fees and assessments by:

- Limiting the scope of legal challenges: By confining lawsuits to issues raised during the administrative process, residents may be unfairly barred from addressing new evidence or legal arguments that arise later.
- The enabling legislation, California AB2257, explicitly prohibits court challenges on the adequacy of an agency's response.
  - How does this build transparency and participation in the process if there is no public recourse for inadequate substance within the process?
  - This law prevents court challenges to new and increased fees so long as the process is followed but does not provide any relief in the case ratepayers are faced with an agency providing inadequate responses to protests.

Such limitations undermine fundamental rights to due process and equal access to justice, disproportionately affecting those unfamiliar with complex administrative procedures.

### 2. Discourages Public Participation and Oversight

This resolution could discourage residents from engaging in meaningful oversight of agency actions, as they may feel that their concerns will be dismissed or bogged down in red tape. The inability to pursue broader challenges in court may:

- Reduce transparency and accountability in the fee and assessment process.
- Allow flawed or unjust decisions to stand, undermining public trust in local governance.

### 3. Unfair Burden on Vulnerable Populations

The resolution would particularly harm residents with limited resources, such as:

- Seniors, working families, and low-income individuals who lack the time, legal knowledge, or financial means to navigate complex administrative systems.
- Residents who may not have access to legal representation early in the process, leaving

them ill-equipped to anticipate all potential issues during administrative proceedings.

This creates a two-tier system in which only the well-resourced can effectively challenge agency actions.

#### 4. Legal and Practical Concerns

The requirement to exhaust administrative remedies may conflict with broader legal principles, including:

- The right to timely legal recourse under state and federal law.
- Judicial discretion to hear cases where administrative remedies are inadequate, unavailable, or fail to provide meaningful relief.

Additionally, the narrow focus on issues raised during the administrative process ignores the dynamic nature of legal disputes, where additional issues often emerge during litigation.

#### Proposed Alternative

Instead of adopting this restrictive resolution, I recommend the City Council:

1. Improve the administrative process to ensure it is accessible, transparent, and effective in addressing resident concerns.
2. Preserve residents' ability to pursue legal challenges without undue limitations, ensuring fairness and accountability.

By rejecting this resolution, the City Council can demonstrate its commitment to protecting residents' rights and fostering a fair and equitable process for all.

The resolution as written would be improved by:

- Extending the notice and review period from 45 to 90 days to allow for a concerned resident to perform the necessary research, hire an attorney and provide time for them to understand and adequately present challenges and concerns to the agency.
- Explicitly require any new, increased or extended fee or assessment be supported by a cost-of-service analysis or Engineer's report and that it be available from the beginning of the notice and review period.

Thank you for your consideration of this important matter.

Sincerely,

Nicholas Harris