Wynola Water District

BEFORE THE BOARD OF DIRECTORS OF THE
WYNOLA WATER DISTRICT
RESOLUTION NO. _____
IN THE MATTER OF:
RESOLUTION ESTABLISHING PROCEDURES UNDER PROPOSITION 218, CALLING FOR A PROPOSED INCREASE OF THE DISTRICT'S WATER RATE AND PROTEST HEARING

WHEREAS, through the adoption of Proposition 218, which added Article XIIID Section 6 of The State of California's Constitution, public agencies are now required to hold a "majority protest" hearing before they may adopt an increase in certain property related fees and charges; and,

WHEREAS, the Board has determined after considerable debate that it is both necessary and in the best interests of the District's landowners to increase the water charges; and,

WHEREAS, due to Article XIIID's silence on certain logistical issues, the Board believes it to be in the best interest of its customers to provide them with an opportunity to be heard regarding those choices before they are implemented; and,

WHEREAS, said opportunity was provided to customers in the noticed public hearing at which the Board considered and adopted this Resolution and herein recorded the Board's well thought-out decisions on these matters after consideration said input.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE WYNOLA WATER DISTRICT does hereby resolve, declare and order as follows:

1. Statement of Legislative Intent
   It is the District's intent in adopting this Resolution, to adopt and call for a "majority protest" proceedings which are consistent, and in compliance, with Article XIIID Section 6 of the California Constitution. In that regard, the District has properly noticed the Board's intent to adopt a resolution to this effect and held a public hearing on May 13, 2017 at which members of the public were invited to provide comments before this Resolution's adoption.

2. New Rates & Effective Dates
   The new rates will be increased as follows:

	1/1/2018	1/1/2019	1/1/2020	1/1/2021	1/1/2022
Quarterly Base Charge	$95.00	$109.00	$131.00	$164.00	$213.00
Usage Charge per 100CF	$6.50	$7.48	$8.97	$11.21	$14.58

3. Notice Document
   a. The following guidelines shall be followed in providing notice of the protest hearing on the proposed increase and policy herein mentioned. Notice will be mailed, postmarked May 19, 2017, to each customer within the District as reflected in the District's current records. This date is at least 45 days before the final public hearing.
   b. The general form of notice is attached to this resolution as Exhibit A and shall be provided in accordance with this section and Article XIIID, Section 6 of the California Constitution.
   c. The District will post in the District office a notice that a public hearing will be held on July 22, 2017 at 9:00 AM.
   d. Failure of any person to receive notice shall not invalidate the proceedings.

4. Public Majority Protest Hearing
   In accordance with the Article XIIID, Section of the California Constitution, a public majority protest hearing shall be held to receive public comments and written protest on the proposed rate. The hearing is set to be held at on July 22, 2017 at 9:00 AM XXXXXXXXXXXX. The hearing will follow the procedures set forth herein:

   a. At the public hearing, the District's Board of Directors shall, until the close of the public hearing, hear public testimony and consider all written protests regarding the proposed increase and associated policy.
   b. The District's Board of Directors President may impose reasonable time limits on both the length of the hearing and the length of each speaker's testimony.
   c. The District's Board of Directors may continue the hearing to a later time as they deem appropriate.
   d. For a protest to be received and counted for the purposes of the majority protest it must be provided in writing to the District prior to the closing of the July 22, 2017 public hearing. Oral protests at the hearing will not be counted unless they are accompanied by a written protest. This requirement is created by the legal need of the District to maintain a verifiable paper trail.

5. For a written protest to be accepted and counted it must contain the following:
   - The identity of the parcel represented by the protest
   - The name and address of the protestant;
   - A signed statement, containing an original signature, indicating that the writing is to be considered a written protest on behalf of the parcel.

6. At the conclusion of the public hearing, or shortly thereafter, a disinterested party designated by the District's Board of Directors shall begin the tabulation of the written protests, including those received at the public hearing. The Board may, if it so wishes appoint a two member election committee to assist the disinterested party in tallying the votes.

7. Only one protest will be counted for each service parcel and only customers or renters are entitled to send in a protest letter.

8. If according to the final tabulation of the written protests, a pure majority of those entitled to protest do, the District's Board of Directors shall not impose the proposed increases or the associated policy. However, if a pure majority does not protest, the Board of Directors may adopt the proposed increase and the associated policy and implement them accordingly.

9. The results of the tabulation shall be posted at the District's office and read into the minutes of the first regularly scheduled Board meeting following the election.

All the foregoing being on motion of Director, TASCHLER,
seconded by Director PLACA and authorized by the following vote, to wit:

AYES: 4
NOES:
ABSTAIN:
ABSENT: 1

I Hereby Certify that the foregoing resolution of said District as duly passed and adopted by said Board of Director on this 13th day of May 2017.

Secretary of the Wynola Water District