

# Proposition 218

## The District's Protest Process

Each year the Santa Clara Valley Water District Board of Directors considers whether or not to raise water charges, which help pay for the activities to protect and augment water supply in Santa Clara County. In Fiscal Year (FY) 2018-19, the district board will utilize a process for setting rates that, as a matter of district policy, is consistent with the requirements Proposition 218 establishes for property-related fees for water service. That process, which is detailed in board resolutions 12-10 and 12-11, includes notice to the public and an opportunity to protest proposed rates. The purpose of this Frequently Asked Questions (FAQ) document is to answer some common questions with regard to the protest procedure.



long-term investments to secure new supplies, which will help reduce rate increases in the future.

### What is the current status of Proposition 218 as it relates to water charges?

In December 2017, the California Supreme Court concluded that a local water agency's groundwater pumping charges are not property-related charges subject to the substantive and procedural requirements of Proposition 218.

### Why is the Santa Clara Valley Water District proposing to adjust water charges?

Groundwater production charges are annually assessed and adjusted as necessary to cover costs in delivering safe, clean drinking water to the people of Santa Clara County and maintaining the county's groundwater supply. With recent improvements in the state's water supply picture, our focus turns to driving progress on vital infrastructure upgrades and toward the development of future drought-proof purified water supplies. Over the long term, reduced water use per capita will reduce the need for

### How can I learn more about the proposed rate adjustments?

The Santa Clara Valley Water District's website – [www.valleywater.org](http://www.valleywater.org) – includes the following key documents related to this fiscal year's rate process:

- Rate Notices mailed to owners on February 23, 2018
- 2018 Protection and Augmentation of Water Supplies Report
- Groundwater Production Charges Rate-Setting Methodology 2011
- Treated Water Conjunctive Use Benefit Study 2011
- Surface/Recycled Water Conjunctive Use Benefit Study 2015
- Water Supply and Infrastructure Master Plan
- Water Utility Enterprise Operations Plan
- Capital Improvement Program

## What is Proposition 218?

Proposition 218, or the "Right to Vote on Taxes Act," is the initiative passed by California voters in November of 1996 that amended the California Constitution to create new processes public agencies must use when they impose fees for certain kinds of services.

It is a tool designed to provide greater public involvement in the entire rate setting process. The following is a brief overview of some of the requirements for property related fees according to Article XIII D Section 6 of the California Constitution:

- No property related fee or charge shall be imposed on any parcel which exceeds the reasonable cost of the proportional benefit conferred on that parcel.
- The amount of the proposed property related fee or charge for each identified parcel shall be calculated and the record owner of each parcel shall be given written notice by mail.
- The agency shall conduct a public hearing upon the proposed property related fee or charge no less than 45 days after the mailing of the written notice.
- If written protest against the proposed new or increased property related fee or charge is presented by a majority of owners on the identified parcels, the agency shall not impose the new or increased property related fee or charge.

## How can I protest the proposed rate adjustments?

You may mail or personally deliver your protest the Clerk of the Board, Santa Clara Valley Water District, 5750 Almaden Expressway, San Jose, CA 95118, until the close of the public hearing on April 24, 2018.

## What needs to be included in my protest?

- Printed Name
- Assessor's Parcel Number (APN), Well Identification Number, or Surface Water Account Number
- Address
- Original Signature
- A statement that you are protesting the proposed rate adjustments. You do not need to give a reason; opposition alone is sufficient.

Your signed protest must also be delivered in a sealed envelope and have your Address or APN, Well Identification Number, or Surface Water Account Number written on the outside in order to be properly identified and accounted for the vote.

## How do I find my Assessor's Parcel Number or APN?

Your Assessor's Parcel Number, or APN, may be obtained from your Santa Clara County property tax statement.

## How can I support the proposed rate adjustments?

If you do not wish to oppose the proposed rate adjustments, no action is necessary. Alternatively, you may attend the public hearings on April 10, April 12 and April 24 to voice your support.

## Can I call, email, or fax in my protest?

No. Santa Clara Valley Water District Board Resolution 12-11 requires someone desiring to protest the rate adjustment to deliver the Santa Clara Valley Water District a written protest with an original signature.

## How does the Santa Clara Valley Water District count protests?

The Santa Clara Valley Water District counts protests in two ways: by parcel and by well owner/operator. If the number of protests submitted within a zone of benefit exceeds 50 percent for either the total number of parcels with wells, or the total number of well/owner operators, then a "majority protest" exists and the Board will not increase the groundwater production charge that year.

## How many protests are required to stop the proposed rate adjustments from taking effect?

A majority within a zone of benefit of either the total number of parcels with wells or the total number of well owner/operators.

## What if I am both a well owner/operator and a parcel owner?

For your respective zone(s), the number of well owner/operator protests allowed is equal to the total number of wells owned, and the number of parcel protests allowed is equal to the number of parcels owned.

## What if I am a well owner/operator, but not a parcel owner?

For your respective zone(s), the number of well owner/operator protests allowed is equal to the total number of wells owned, but your protest will not be counted as a parcel owner protest.

## What if I am a parcel owner, but lease my well to another person or entity?

For your respective zone(s), the number of well owner/operator protests allowed is equal to the total number of wells owned, and the number of parcel protests allowed is equal to the number of parcels owned. The person or entity leasing your well can also protest with the number of protests allowed being equal to

the total number of wells leased, and the number of parcel protests allowed equal to zero.

## What if I am a surface water operator and parcel owner?

For your respective zone(s), the number of surface water protests allowed is equal to the total number of surface water accounts you have, and the number of parcel protests allowed is equal to the number of parcels owned.

## What if I am a surface water operator, but not a parcel owner?

For your respective zone(s), the number of surface water protests allowed is equal to the total number of surface water accounts you have, and the number of parcel protests allowed is zero.

## What if I am a parcel owner, but I lease the surface water operation to another person or entity?

For your respective zone(s), the number of surface water account protests allowed is equal to the total number of surface water accounts you have, and the number of parcel protests allowed is equal to the number of parcels owned. The person or entity leasing your surface water operation can also protest with the number of protests allowed being equal to the total number of surface water accounts leased, and the number of parcel protests allowed is zero.

## How are the protests counted if there are multiple parcel owners or well owner/operators?

If any one parcel owner protests, then one protest is counted for that one parcel, or if any one well owner/operator protests, then one protest is counted for that one well.

## When and where are the public hearings?

The Santa Clara Valley Water District Board of Directors will have the following public hearings:

### **April 10, 2018 at 1 p.m.**

Santa Clara Valley Water District Board Room  
5700 Almaden Expressway, San Jose, CA.

### **April 12, 2018 at 7 p.m.**

Gilroy City Council Chambers  
7351 Rosanna Street, Gilroy, CA.

### **April 24, 2018 at 6 p.m.**

Santa Clara Valley Water District Board Room  
5700 Almaden Expressway, San Jose, CA.

There will also be an Open House at **6 p.m. on April 12, 2018** at Gilroy City Council Chambers to answer any questions that you may have and to learn more about the Santa Clara Valley Water District.



## We speak your language

Si habla español y tiene preguntas sobre el contenido de este mensaje por favor de comunicarse con José Villarreal al [JVillarreal@valleywater.org](mailto:JVillarreal@valleywater.org) o (408) 630-2879.

Nếu bạn nói tiếng Việt và có thắc mắc về nội dung của thông báo này, xin vui lòng liên hệ với Triet Trinh tại [TTrinh@valleywater.org](mailto:TTrinh@valleywater.org) hoặc (408) 630-3211.

如果你說中文並對上述訊息有疑問,請聯繫 Jane Zhou, 電郵 [JZhou@valleywater.org](mailto:JZhou@valleywater.org), 或者電話:(408) 630-2631

## What is the consequence if the proposed rate adjustments cannot be imposed by the Board?

Without these proposed rate adjustments, the levels of service will be reduced, which would negatively impact the water supply reliability of Santa Clara County and condition of the groundwater aquifers in the future.

A composite image for a contact section. On the left, a laptop screen shows the Santa Clara Valley Water District website. The website header includes "Santa Clara Valley Water District" and "PROTECTING YOUR FUTURE". Below the header, there are navigation links for Home, Services, Newsroom, Business, Jobs, and About. A search bar is also visible. The main content area features a "Save Water. Save Money." banner, a "Board of Directors" dropdown menu, "Programs", "Quick Links", "News Releases", and a "Video Gallery". On the right side of the laptop, a hand is visible typing on the keyboard. To the right of the laptop, the text "CONTACT US" is displayed in bold. Below this, it says "For more information, contact **Darin Taylor** at (408) 630-3068, email [dtaylor@valleywater.org](mailto:dtaylor@valleywater.org) or visit our website at [valleywater.org](http://valleywater.org) and use our **Access Valley Water** customer request and information system. With three easy steps, you can use this service to find out the latest information on district projects or to submit questions, complaints or compliments directly to a district staff person." Below the text, there are social media icons for Facebook, Twitter, and YouTube, with the text "Follow us on:" to the left. To the right of the social media icons, there is a QR code and an envelope icon with the text "to get eNews, email [info@valleywater.org](mailto:info@valleywater.org)".