

Proposition 218 Valley Water's Protest Process



Each year the Santa Clara Valley Water District (Valley Water) 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) 2019-20, the Valley Water board will utilize a process for setting surface water charges that, as a matter of district policy, is consistent with the requirements of Proposition 218 for property-related fees for water service. That process, which is detailed in board resolution 12-10, 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 regarding the protest procedure.

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. However, Valley Water continues to utilize a rate setting process that is consistent with Proposition 218 for surface water charges.

Why is Valley Water proposing to adjust water charges?

Groundwater production charges and surface water charges are annually assessed and adjusted to cover costs in delivering safe, clean drinking water to the people of Santa Clara County to maintain 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.

How can I learn more about the proposed rate adjustments?

Valley Water's website – www.valleywater.org – includes the following key documents related to this fiscal year's rate process:

- Rate Notices mailed to owners on February 22, 2019



- 2019 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
- 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 to 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 23, 2019.

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. Include 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 9, April 11 and April 23, 2019 to voice your support.

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

No. Valley Water Board Resolution 12-10 requires someone desiring to protest the rate adjustment to deliver Valley Water a written protest with an original signature.

How does the Valley Water count protests?

Valley Water counts protests in two ways: by parcel and by Surface Water Account. If the number of protests submitted within a zone of benefit exceeds 50 percent for either the total number of parcels, or the total number of Surface Water Accounts, then a “majority protest” exists and the board will not increase the surface water 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 or the total number of Surface Water Accounts.

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 surface water account operators?

If any one parcel owner protests, then one protest is counted for that one parcel, or if any one Surface Water Account Operator protests, then one protest is counted for that one surface water account.

When and where are the public hearings?

Valley Water Board of Directors will have the following public hearings:

April 9, 2019 at 1 p.m.

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

April 11, 2019 at 7 p.m.

Morgan Hill City Council Chambers
17555 Peak Ave., Morgan Hill, CA 95037

April 23, 2019 at 6 p.m.

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

There will also be an Open House at **6 p.m. on April 11, 2019** at Morgan Hill Council Chambers to answer any questions that you may have and to learn more about Valley Water.

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.



Si habla español y tiene preguntas sobre el contenido de este mensaje por favor de comunicarse con José Villarreal al 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 Ngọc Nguyen tại NNguyen@valleywater.org hoặc (408) 630-2632.

如果你說中文並對上述訊息有疑問, 請聯繫 Sarah Young, 電郵 SYoung@valleywater.org, 或者電話: (408) 630-2468.

CONTACT US

For more information, contact Anthony Mendiola at (408) 630-2437 or by email at amendiola@valleywater.org. Or use our Access Valley Water customer request and information system at <https://delivr.com/2yukx> to find out the latest information on Valley Water projects or to submit questions, complaints or compliments directly to a Valley Water staff person.



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