



NOTICE OF ADMINISTRATION COMMITTEE MEETING

Covering Policy, Administration and Community
Relations/Communications

NOTICE IS HEREBY GIVEN that the San Lorenzo Valley Water District has called a meeting of the Administration Committee to be held Wednesday, October 10, 2018 at 10:30 am at the Operations Building, 13057 Highway 9, Boulder Creek, California.

AGENDA

1. Convene Meeting/Roll Call
2. Oral Communications:
This portion of the agenda is reserved for Oral Communications by the public for items which are not on the Agenda. Please understand that California law (The Brown Act) limits what the Board can do regarding issues raised during Oral Communication. No action or discussion may occur on issues outside of those already listed on today's agenda. Any person may address the Committee at this time, on any subject that lies within the jurisdiction of this committee. Normally, presentations must not exceed three (3) minutes in length, and individuals may only speak once during Oral Communications. Any Director may request that the matter be placed on a future agenda or staff may be directed to provide a brief response.
3. New Business:
Members of the public will be given the opportunity to address each scheduled item prior to Committee action. The Chairperson of the Committee may establish a time limit for members of the public to address the Committee on agenda items.
 - A. BI-MONTHLY BOARD OF DIRECTORS MEETING
Discussion by the Committee regarding bi-monthly BoD meeting.
 - B. DISTRICT WEBSITE REQUEST FOR PROPOSAL
Discussion by the Committee regarding RFP for the District Website.
 - C. SOCIAL MEDIA POLICY
Discussion by the Committee regarding a Social Media Policy.
 - D. BY-DISTRICT ELECTIONS
Discussion by the Committee regarding By-District Elections
4. Old Business:
Members of the public will be given the opportunity to address each scheduled item prior to Committee action. The Chairperson of the Committee may establish a time limit for members of the public to address the Committee on agenda items.
 - A. PROPOSITION 218 - POLICIES AND PROCEDURES
Discussion by the Committee regarding Prop 218 Policy.
 - B. LEGISLATIVE UPDATE
Discussion by the Committee regarding a review of pertinent legislation currently being discussed.

C. COMMUNICATIONS UPDATE

Discussion by the Committee regarding a review of communications.

5. Informational Material: None.

6. Adjournment

In compliance with the requirements of Title II of the American Disabilities Act of 1990, the San Lorenzo Valley Water District requires that any person in need of any type of special equipment, assistance or accommodation(s) in order to communicate at the District's Public Meeting can contact the District Office at (831) 338-2153 a minimum of 72 hours prior to the scheduled meeting.

Agenda documents, including materials related to an item on this agenda submitted to the Committee after distribution of the agenda packet, are available for public inspection and may be reviewed at the office of the District Secretary, 13060 Highway 9, Boulder Creek, CA 95006 during normal business hours. Such documents may also be available on the District website at www.slvwd.com subject to staff's ability to post the documents before the meeting.

Certification of Posting

I hereby certify that on October 5, 2018, I posted a copy of the foregoing agenda in the outside display case at the District Office, 13060 Highway 9, Boulder Creek, California, said time being at least 72 hours in advance of the meeting of the Administration Committee of the San Lorenzo Valley Water District in compliance with California Government Code Section 54956.

Executed at Boulder Creek, California, on October 5, 2018.

Holly B. Hossack, District Secretary,
San Lorenzo Valley Water District



TO: Administration Committee Members,
San Lorenzo Valley Water District

FROM: Gina R. Nicholls, District Counsel

DATE: October 5, 2018

RE: Revisions to District Policies and Procedures for Conducting
Proposition 218 Proceedings

RECOMMENDATION

Review the San Lorenzo Valley Water District’s (“District’s”) policies and procedures for conducting Proposition 218 proceedings (“Prop 218 Policies”), as recently revised, and consider whether further changes are needed.

BACKGROUND

At the regular meeting of the Board of Directors (“Board”) in September 2018, District Counsel proposed, and the Board approved, revisions to the Prop 218 Policies. (See attachments.) The revisions were proposed, in part, to eliminate a handful of confusing references to a balloting process under article XIII D, section 6 of the California Constitution for property-relates fees or charges *other than for sewer, water, and refuse collection services*. It is extremely unlikely that the District will ever impose such fees or charges.

At the Board meeting, the revised Prop 218 Policies were referred to the Administration Committee for consideration of whether further changes are needed. In particular, the Administration Committee may wish to consider whether it is desirable at this time to create policies for the imposition of assessments pursuant to article XIII D, section 4. Balloting procedures for assessments could be modelled after some of the deleted provisions related to balloting pursuant to article XIII D, section 6.

FISCAL IMACT:

N/A

STRATEGIC PLAN:

N/A

ATTACHMENTS:

1. District’s Policies and Procedures for Conducting Proposition 218 Proceedings.
2. Redline showing the September 2018 revisions.

**REVISIONS TO POLICIES AND PROCEDURES OF THE
SAN LORENZO VALLEY WATER DISTRICT
ADOPTED BY RESOLUTION 7 (18-19)
Effective 9.20.2018**

ARTICLE V. ELECTIONS AND PUBLIC VOTING

**SECTION 5.01 CONDUCTING PROPOSITION 218 PROPERTY- RELATED FEES AND CHARGES
PROCEEDINGS**

Section 5.01 Conducting Proposition 218 Property Related Fees and Charges Proceedings

- (a) Statement of Legislative Intent. It is the Board's intent to adopt procedures for property related fees and charges proceedings which are consistent and in compliance with Articles XIII C and XIII D of the California Constitution and, with the Proposition 218 Omnibus Implementation Act (Government Code sections 53750 through 53754). It is not the intent of the Board to vary in any way from the requirements of Articles XIII C and XIII D or the Proposition 218 Omnibus Implementation Act.

- (b) Procedures for new or Increased Property Related Fees and Charges. The District shall apply the following procedures for the establishment of new or increased property related fees or charges, such as, for example, increases to water use rates or, changes in the water use rate structures. Said procedures follow the requirements of Article XIII D, section 6 of the California Constitution:
 - (i) The District shall identify each parcel upon which new or increased property related fees or charges are proposed for imposition.

 - (ii) The District shall calculate the amount of any proposed property related fees or charges.

 - (iii) The District shall provide written notice by mail of any proposed property related fees or charges to:
 - 1. the record owner(s) of each identified parcel upon which the fees or charges are proposed for imposition and

 - 2. the service account holder of record for each identified parcel upon which the fees or charges are proposed for imposition, if different from the record owner.

 - (iv) Such written notice shall contain, as a minimum,

1. the amount of the proposed property related fees or charges to be imposed upon each parcel, and/or the basis upon which the amount of the proposed property related fees or charges were calculated, and
2. the reason(s) for the proposed property related fees or charges, and
3. the date, time and location for a public hearing on the proposed property related fees or charges.

(c) Notice of Proposed Property Related Fees or Charges. The District shall apply the following procedures to provide property owner(s) with a notice of proposed property related fees or charges.

- (i) The record owner(s) and property mailing address of record of each parcel upon which new or increased property related fees or charges are proposed may be determined from the last equalized secured property tax assessment roll. If this method is used, and the property tax roll indicates more than one owner at different mailing addresses, notice shall be mailed to each owner.
- (ii) Said notice shall be mailed at least forty-five (45) calendar days prior to the date set for a public hearing on the proposed property related fees or charges.
- (iii) The notice provided by this section and in accordance with Article XIII D, section 6 of the California Constitution shall supersede and be in lieu of any other statute requiring notice relative to the imposition or increase of any property related fees or charges, including but not limited to the notices required by California Government Code sections 53753(d) and 54954.6.
- (iv) Failure of any person to receive notice shall not invalidate the proceedings.
- (v) The cost of providing notice may be included as a cost of the property related fees and charges.

(d) Public Hearing. The District shall apply the following procedures pursuant to a public hearing for proposed property related fees or charges:

- (i) The Board shall conduct a public hearing relative to any new or increased of property related fees or charges.
- (ii) Said public hearing shall be conducted not less than forty-five (45) calendar days after mailing the notice.
- (iii) At the public hearing, the Board shall hear and consider public testimony regarding the proposed property related fees or charges and, shall accept

written protests until the close of the public testimony portion of the public hearing.

(iv) The Board may impose reasonable time limits on both the length of the entire hearing and the length of each speaker's testimony.

(e) Property Related Fees and Charges Requiring a Protest Vote (NO vote only). The District shall apply the following procedures to protest pursuant to property related fees or charges requiring a protest vote.

(i) Upon establishing the date for a public hearing, the Board will appoint an individual or group to act as an impartial arbiter to collect all protest forms that have been properly submitted, present the protest tabulation to the Board, and if necessary, determine the validity of protests received and present a final tabulation. No sitting Board Member may be appointed arbiter.

(ii) After the conclusion of the public testimony portion of the public hearing, the arbiter shall tabulate the written protests received, including those received during the public hearing.

(iii) If it is not possible to tabulate the written protests on the day of the public hearing, or if additional time is necessary for public testimony, the Board may continue the public hearing to a later date to receive additional testimony, or to finish tabulating the written protests only.

(iv) The arbiter shall provide the Board with a final tabulation of written protests if necessary to determine whether there is a majority protest. A final tabulation will not be required if, at the conclusion of the public testimony portion of the hearing, it is manifestly apparent whether or not there is a majority protest.

(v) All written protests must be dated, contain a description of the property such as physical address and/or Assessor's Parcel Number, and be signed by the owner or account holder of record.

(vi) An account holder of record includes lawful tenants occupying the property and holding an account in good standing with the District for the property in question. The District reserves the right to require that the account holder of record provide proof of lawful tenancy of the property in question. Said proof may include a copy of a legal rental contract or a utility bill other than water or sewer. Other proof of lawful tenancy may be allowed, at the arbiter's discretion. In these proceedings the arbiter's decision regarding lawful tenancy is final.

- (vii) Protests may be made using the form provided by the District. As long as the protest contains all of the specified information it does not need to be on the District-provided form.
- (viii) Only one (1) written protest shall be counted for each individual parcel that receives the property-related service.
- (ix) All written protest are a “public record” as that phrase is defined by the California Public Records Act (Government Code, §6252) and shall be open to public inspection after final tabulation of the written protest.
- (x) After submitting a protest to the District the person who signed the protest may withdraw it by submitting a written statement to the District directing the District to withdraw the protest. Such statement must be received by the District prior to close of the public testimony portion of the public hearing. When protests are tabulated, the District shall segregate withdrawn protests from all other submitted protests. The District shall retain all withdrawn protests and shall indicate on the face of such withdrawn protests that they have been withdrawn.

REDLINE

ARTICLE V. ELECTIONS AND PUBLIC VOTING

**SECTION 5.01 CONDUCTING PROPOSITION 218 PROPERTY- RELATED FEES AND CHARGES
PROCEEDINGS**

Section 5.01 Conducting Proposition 218 Property Related Fees and Charges Proceedings

- (a) Statement of Legislative Intent. It is the Board's intent to adopt procedures for property related fees and charges proceedings which are consistent and in compliance with Articles XIIC and XIID of the California Constitution and, with the Proposition 218 Omnibus Implementation Act (Government Code sections 53750 through 53754). It is not the intent of the Board to vary in any way from the requirements of Articles XIIC and XIID or the Proposition 218 Omnibus Implementation Act.

- (b) Procedures for new or Increased Property Related Fees and Charges. The District shall apply the following procedures for the establishment of new or increased property related fees or charges, such as, for example, increases to water use rates or, changes in the water use rate structures. Said procedures follow the requirements of Article XIID, section 6 of the California Constitution:
 - (i) The District shall identify each parcel upon which new or increased property related fees or charges are proposed for imposition.

 - (ii) The District shall calculate the amount of any proposed property related fees or charges.

 - (iii) The District shall provide written notice by mail of any proposed property related fees or charges to:
 - 1. the record owner(s) of each identified parcel upon which the fees or charges are proposed for imposition and

 - 2. the service account holder of record for each identified parcel upon which the fees or charges are proposed for imposition, if different from the record owner.

 - (iv) Such written notice shall contain, as a minimum,

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1. the amount of the proposed property related fees or charges to be imposed upon each parcel, and/or the basis upon which the amount of the proposed property related fees or charges were calculated, and

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2. the reason(s) for the proposed property related fees or charges, and

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3. the date, time and location for a public hearing on the proposed property related fees or charges.

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(c) Notice of Proposed Property Related Fees or Charges. The District shall apply the following procedures to provide property owner(s) with a notice of proposed property related fees or charges.

(i) The record owner(s) and property mailing address of record of each parcel upon which new or increased property related fees or charges are proposed may be determined from the last equalized secured property tax assessment roll. If this method is used, and the property tax roll indicates more than one owner at different mailing addresses, notice shall be mailed to each owner,

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(ii) Said notice shall be mailed at least forty-five (45) calendar days prior to the date set for a public hearing on the proposed property related fees or charges.

(iii) The notice provided by this section and in accordance with Article XII, D, section 6 of the California Constitution shall supersede and be in lieu of any other statute requiring notice relative to the imposition or increase of any property related fees or charges, including but not limited to the notices required by California Government Code sections 53753(d) and 54954.6.

(iv) Failure of any person to receive notice shall not invalidate the proceedings.

(v) The cost of providing notice may be included as a cost of the property related fees and charges.

(d) Public Hearing. The District shall apply the following procedures pursuant to a public hearing for proposed property related fees or charges:

(i) The Board shall conduct a public hearing relative to any new or increased of property related fees or charges.

(ii) Said public hearing shall be conducted not less than forty-five (45) calendar days after mailing the notice,

Deleted: of proposed property related fees or charges to the record owner(s) of each identified parcel upon which the fees or charges are proposed for imposition

(iii) At the public hearing, the Board shall hear and consider public testimony regarding the proposed property related fees or charges and, shall accept

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written protests until the close of the public testimony portion of the public hearing.

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(iv) The Board may impose reasonable time limits on both the length of the entire hearing and the length of each speaker's testimony.

(e) Property Related Fees and Charges Requiring a Protest Vote (NO vote only). The District shall apply the following procedures to protest pursuant to property related fees or charges requiring a protest vote.

(i) Upon establishing the date for a public hearing, the Board will appoint an individual or group to act as an impartial arbiter to collect all protest forms that have been properly submitted, present the protest tabulation to the Board, and if necessary, determine the validity of protests received and present a final tabulation. No sitting Board Member may be appointed arbiter.

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(ii) After the conclusion of the public testimony portion of the public hearing, the arbiter shall tabulate the written protests received, including those received during the public hearing.

(iii) If it is not possible to tabulate the written protests on the day of the public hearing, or if additional time is necessary for public testimony, the Board may continue the public hearing to a later date to receive additional testimony, or to finish tabulating the written protests only.

(iv) The arbiter shall provide the Board with a final tabulation of written protests if necessary to determine whether there is a majority protest. A final tabulation will not be required if, at the conclusion of the public testimony portion of the hearing, it is manifestly apparent whether or not there is a majority protest.

(v) All written protests must be dated, contain a description of the property such as physical address and/or Assessor's Parcel Number, and be signed by the owner or account holder of record.

Deleted: <#>Upon final tabulation of written protests, if written protests against the proposed property related fees or charges are presented by a majority of the properties upon which the fee or charge would be imposed (50% + 1), the Board shall not impose the property related fees or charges.¶

(vi) An account holder of record includes lawful tenants occupying the property and holding an account in good standing with the District for the property in question. The District reserves the right to require that the account holder of record provide proof of lawful tenancy of the property in question. Said proof may include a copy of a legal rental contract or a utility bill other than water or sewer. Other proof of lawful tenancy may be allowed, at the arbiter's discretion. In these proceedings the arbiter's decision regarding lawful tenancy is final.

(vii) Protests may be made using the form provided by the District. As long as the protest contains all of the specified information it does not need to be on the District-provided form.

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(viii) Only one (1) written protest shall be counted for each individual parcel that receives the property-related service.

(ix) All written protest are a "public record" as that phrase is defined by the California Public Records Act (Government Code, §6252) and shall be open to public inspection after final tabulation of the written protest.

Deleted: <#>Property Related Fees or Charges Requiring a Ballot Proceeding (YES or NO vote).¶

¶ Procedures Pursuant to Article XIID, section 6 (c), of the California Constitution, whenever proposed property related fees or charges are required to be submitted and approved by ballot proceedings, the District shall apply the following procedures:¶

1st . The District shall conduct a ballot proceeding when required by Article XIID, section 6(c), of the California Constitution.¶

¶ 2nd . Ballots shall be mailed to all property owners of record of each identified parcel upon which property related fees or charges are proposed for imposition at least forty-five (45) calendar days prior to the date for a public hearing on the ballot proceedings. The ballot shall comply with California Government Code Section 53753(c). The mailing address of record owner(s) shall be determined from the last equalized secured property tax assessment roll.¶

3rd . The Board shall conduct a public hearing on the ballot proceedings. The public hearing shall be conducted not less than forty-five (45) calendar days after mailing the ballots to record owner(s) of each identified parcel upon which the fees or charges are proposed for imposition. At the public hearing, the District shall consider public testimony and tabulate the written ballots.¶

¶ 4th . The District shall not impose property related fees or charges if there is a majority protest. A majority protest exists if, upon the conclusion of the public hearing, written ballots submitted and not withdrawn, in opposition to the property related fees or charges exceeds the written ballots submitted, and not withdrawn, in favor of the property fees or charges.¶

¶ 5th . All ballots must be returned by mail to the District at the address indicated on the ballot, or hand delivered to the District Secretary at the ballot proceedings public hearing. Ballots must be received by the District not later than the close of the public testimony portion of the public hearing on the ballot proceedings. Ballots must be sealed in the envelope provided by the District.¶

¶ <#>Each ballot must be signed by the owner of record under penalty of perjury.¶

¶ <#>A tenant of real property shall not, solely by virtue of such tenancy, have the power or authority to submit a ballot.¶

¶ <#>If a parcel has multiple owners, any owner may request a proportional ballot. If the ownership interest of the owner is not shown on the last secured property tax assessment roll, such request must include evidence satisfactory to the arbiter, of the owner's proportional rights to the parcel. The District will provide the proportional ballot to the owner at the address shown on the last equalized secured property tax assessment roll. Any request for a ballot to be mailed to another location must be made in writing and, must include evidence satisfactory to the arbiter, of the identity of the

(x) After submitting a protest to the District the person who signed the protest may withdraw it by submitting a written statement to the District directing the District to withdraw the protest. Such statement must be received by the District prior to close of the public testimony portion of the public hearing. When protests are tabulated, the District shall segregate withdrawn protests from all other submitted protests. The District shall retain all withdrawn protests and shall indicate on the face of such withdrawn protests that they have been withdrawn.

(i)