

**RESOLUTION DECLARING THE RESULT OF THE
PROPOSITION 218 PROTEST COUNT FOR
THE PROPOSED NEW DISTRICT IRRIGATION WATER RATES
AND
ADOPTING NEW DISTRICT IRRIGATION WATER RATES
FOR 2015, 2016, 2017, 2018, AND 2019**

WHEREAS, Proposition 218 was adopted on November 6, 1996, adding Articles XIIC and XIID to the California Constitution; and

WHEREAS, the North San Joaquin Water Conservation District's fees and rates for the sale of surface water have remained unchanged for many years, and the cost of providing surface water to District irrigation customers exceeds the fees and charges collected; and

WHEREAS, the Board of Directors authorized a comprehensive review of the District's surface water rates to be charged to parcel owners within the District's South System and Tracy Lake System who request and receive District water during 2015, 2016, 2017, 2018, and/or 2019; and

WHEREAS, the review was performed by District Consultant Walter Sadler, P.E., and a final Water Rate Study dated December 30, 2014 (the "Rate Study"), was submitted and reviewed by the Board of Directors; and

WHEREAS, the Board of Directors on January 5, 2015, pursuant to Resolution No. 2015-01 took the following actions: (1) approved and accepted the Rate Study as complete; (2) set a public hearing for March 30, 2015, at 2:15 PM at the City of Lodi Public Library, located at 201 West Locust Street., Lodi, California, to receive public comment on the Rate Study and to consider adoption of the proposed water rates; (3) reviewed and approved the form of the Proposition 218 notice of the new proposed water rates; and (4) authorized and directed the District's Secretary and Deputy Secretary by not later than Friday, February 6, 2015, to mail the Proposition 218 notice to owners of the 735 parcels adjacent to or within 2,000 feet of the District's South System pipeline who might be interested in receive District water sometime in the next five years and to the owners of the 12 parcels within the Tracy Lake Improvement District who were recommended in the Rate Study to receive such notice; and

WHEREAS, Pre-Sort Center, 3806 Coronado Avenue, Stockton, CA 95204, on February 11, 2015, mailed the Proposition 218 notice to those 747 parcel owners; and

WHEREAS, since February 11, 2015, and until 2:15 PM on March 30, 2015, the District has accepted protests from record owners of parcels who were sent the Proposition 218 notices; and

WHEREAS, a public hearing on the proposed new irrigation water rates was held on Monday, March 30, 2015, as specified in the Proposition 218 notice and at the hearing, the District Secretary reported the results of the protest count; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the North San Joaquin Water Conservation District as follows:

1. Findings: The Board of Directors finds and determines as follows:

a. There are 747 parcels within the District for which the District's irrigation water could be immediately available for each of those parcel's use during the next five years and who should receive notice of the proposed new irrigation water rates.

b. The irrigation water rates set forth in the Rate Study and to be adopted by this resolution have been fixed in amounts sufficient to pay the projected operating, maintenance, and repair expenses of the District's South System and Tracy Lake System.

c. The new irrigation water rates are reasonably related to, and do not exceed, the District's cost of providing the irrigation water service for the District's South System and Tracy Lake System and will not be used for any other purpose.

d. The amounts of the proposed irrigation water rates do not exceed the proportional cost of the water service, which could be made available to the noticed parcels.

e. The District has provided the required written notice in accordance with Article XIII D of the California State Constitution.

f. The District received a total of _____ timely-filed protests.

g. Of those timely-filed protests received, _____ valid protests were submitted by record owners of one or more of the 747 parcels mailed Proposition 218 notices. _____ timely-filed protests were determined not to be valid for one or more of the following reasons:

_____.

h. The Board of Directors conducted a duly noticed public hearing on March 30, 2015, at which time the public had the opportunity to speak to the Board of Directors regarding the proposed increases and the Board of Directors considered the testimony received prior to making a final decision to adopt the proposed rate.

i. The adoption of this resolution is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR §15273 because the resolution pertains to the adoption of rates necessary to maintain services within the District's existing service area.

2. Declaration of Results: The total number of valid protests timely received by the District does not constitute a majority of the parcels mailed Proposition 218 notices.

3. Effect of Protests: The effect of the results of the protest count as described above is that the Board of Directors is authorized to adopt the following proposed irrigation water rates.

4. Adoption of Irrigation Water Rates: The Board of Directors does hereby approve and adopt the following irrigation water rates for the years indicated:

	2015	2016	2017	2018	2019
South System with 3,000 AF Delivered	\$93.12	\$95.76	\$98.52	\$101.40	\$104.41
South System with 6,000 AF Delivered	\$71.21	\$73.63	\$76.16	\$78.82	\$81.60
	2015	2016	2017	2018	2019
Tracy Lake System	Under Construction	\$2.00	\$3.10	\$3.10	\$3.10

The above rates are the maximum allowable per-acre-feet (AF) rates for each year designated. For the South System, if 3,000 AF or more but less than 6,000 AF are delivered in any year, then the Board of Directors has the right to set a rate that is less than the maximum rate when 3,000 AF is delivered but more than the rate specified when 6,000 AF is delivered.

5. Effective Dates: This resolution shall be in full force and effect upon its adoption. The rates for 2015 shall take effect upon the adoption of this resolution. The rates for all other years shall take effect on January 1 of each designated year.

Moved by Director _____, seconded by Director _____, that the foregoing resolution be adopted.

Upon roll call, the following vote was had:

Ayes:

Noes:

Absent:

The President declared the resolution adopted.

I, David Simpson, Secretary of the Board of Directors of the NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT, do hereby CERTIFY that the foregoing is a full, true, and correct copy of a resolution duly adopted at a regular meeting of the Board of Directors held the 30th day of March, 2015.
