

**RESOLUTION OF THE
BOARD OF DIRECTORS OF THE
ROSEDALE-RIO BRAVO WATER STORAGE DISTRICT
IN THE MATTER OF FIXING PROCEDURES FOR A
PROPOSITION 218 MAJORITY PROTEST HEARING REGARDING
THE WATER CHARGE**

RESOLUTION NO. 535

WHEREAS, Rosedale-Rio Bravo Water Storage District (“District”) is a California Water Storage District formed and existing under the California Water Storage District Law (Wat. Code, §§ 39000 *et seq.*).

WHEREAS, the District was organized and formed in 1959 to implement a plan for recharging the underlying groundwater with surplus surface supplies in order to alleviate groundwater level declines within its boundaries.

WHEREAS, the California legislature adopted and the Governor signed into law the Sustainable Groundwater Management Act (SGMA) (Water Code §§ 10720 *et seq.*) in 2014, which generally requires the management of the underlying groundwater reservoir in a sustainable manner.

WHEREAS, the District has elected to form the Rosedale-Rio Bravo Water Storage District Groundwater Sustainability Agency and to undertake sustainable groundwater management within the boundaries of the District.

WHEREAS, the District’s has developed a Conjunctive Use Project that currently provides all lands within the District with a **pro-rata share of groundwater benefits** based on acreage, and all landowners pay to the District an annual assessment on a per-acre basis to fund the operation of the District’s Project for the benefit of the District’s landowners.

WHEREAS, certain landowners require and use more water than the amount of supply historically available from the District’s Project.

WHEREAS, Water Code section 43006 authorizes the District to “fix tolls or charges for the use of water, including the use of groundwater.”

WHEREAS, Water Code § 10730.2 authorizes the District to impose “fees on the extraction of groundwater from the basin to fund costs of groundwater management, including...activities necessary or convenient to implement [its GSP],” which may be “charged on a volumetric basis [and may] increase based on the quantity of groundwater produced annually, the year in which the production of groundwater commenced from a groundwater extraction facility, and impacts to the basin.”

WHEREAS, the District proposes a volumetric “Water Charge” to be charged for water use on certain agricultural parcels within the District that is in excess of the amount of available water supplies, in order to equitably distribute the financial burden of “sustainability” (i.e., balance) to those landowners who require more water than the District’s Project provides, in proportion to their respective overages.

WHEREAS, the District's staff and consultants have prepared a "Water Charge Study" dated September 2023 ("Rate Study") analyzing the appropriate maximum rate for the Water Charge. The Rate Study is attached hereto as Exhibit A.

WHEREAS, the District proposes to approve the Water Charge as a "property-related fee" within the meaning of Article 13D, Section 6 of the California Constitution ("Prop 218"), and the District is thus required to conduct a majority protest hearing under Prop 218 before imposing the Water Charge.

NOW, THEREFORE, IT IS RESOLVED by the Board of Directors ("Board") of the District that:

1. **Recitals.** The Board finds that each of the above recitals is true and correct.
2. **Statement of Legislative Intent.** The Board's intent, in adopting this Resolution, is to call for "majority protest" proceedings ("Proceedings") that comply with the requirements of Prop 218, the Proposition 218 Omnibus Implementation Act (Government Code sections 53750, *et seq.*, the "Prop 218 Act"), and the California Water Storage District Law (Water Code sections 39000, *et seq.*).
3. **Proposed Groundwater Service Charge.** The proposed Water Charge will be a volumetric charge for water use on agricultural parcels within the District that is in excess of the amount of available water supplies, as more fully described in the Rate Study attached hereto.
 - (a) The amount of the Water Charge will be fixed annually by the Board at an open and public meeting conducted in compliance with the requirements of the Ralph M. Brown Act and other California law.
 - (b) The maximum amount of the Water Charge will be \$256.00 per acre-foot of water used in excess of available supply.
 - (c) The time for paying the Water Charge will be fixed by the Board under Water Code section 47181, and delinquencies in payment will be subject to the penalties and interest provided for in section 47182. The District may collect delinquent charges using the procedures set forth in sections 47183 through 47185, or any other procedure lawfully available to the District.
4. **Majority Protest Hearing.** The Board hereby calls a public hearing with respect to the proposed Water Charge, to be held on **November 14, 2023 at 8:30 a.m., at the District's office located at 849 Allen Road, Bakersfield, CA 93314**, at which time and place any person interested, including all persons owning land subject to the proposed charge, may appear and be heard.
5. **Notice of Hearing.** Notice of the hearing will be given subject to this section.
 - (a) The record owner(s) of each parcel upon which the Water Charge will be imposed shall be determined from the last equalized secured property tax assessment roll received from the County of Kern. Only property owners, not lessees or licensees, shall receive notice, because the record owner is responsible for payment of the Water Charge and owns the lands that may become subject to a lien for delinquencies.

- (b) Notice will be given in substantially the form attached to this resolution as Exhibit B in accordance with Prop 218. Notice shall be sent at least forty-five (45) days prior to the date set for the public hearing.
- (c) At the District's office, located at 849 Allen Road, Bakersfield, CA, a notice will be posted during the 45-day notice period indicating the date, time, and place of the public hearing. A copy of this resolution will also be posted, and a copy of the Rate Study will be available in the District office for review during ordinary business hours.
- (d) Failure of any person to receive notice shall not invalidate the Proceedings.

6. Hearing Procedures. The public hearing will be conducted according to the procedures set forth herein.

- (a) At the public hearing, the Board of Directors shall hear public comments and consider all written protests of the proposed Water Charge until the close of the public hearing. The President of the Board of Directors may impose reasonable time limits on both the length of the hearing and the length of each speaker's testimony.
- (b) The Board of Directors may, in its discretion, adjourn the hearing to another time and place in compliance with Government Code sections 54955 and 54955.1. Any protest, to be received and counted for the purposes of the Proceeding, must be provided in writing to the District before the close of the public hearing. An optional form of written protest is included with the notice attached as Exhibit B to this resolution. The written protest must contain the following:
 - (i) The identity of each parcel represented by the protest;
 - (ii) The name of the protester; and,
 - (iii) A signed statement, containing an original signature, indicating that the writing is a written protest on behalf of the parcel and that the person signing the protest is an owner of the parcel.
- (c) At the conclusion of the hearing, or shortly thereafter, the Secretary of the Board of Directors, or some other person designated by the Board of Directors, shall tabulate the written protests, including those received during the public hearing, to determine whether a majority protest exists.
- (d) If, according to the final tabulation of the written protests, owners of a majority of parcels entitled to protest the Water Charge do so, the Board of Directors shall not impose the Water Charge. However, if no majority protest exists, the Board of Directors may adopt the Water Charge.

7. Other Authorized Action. The District's staff and counsel are authorized and directed to take all necessary and reasonable actions to effectuate the purpose and intent of this resolution.

All the foregoing, being on motion of Director Unruh, seconded by Director Selvidge, is PASSED, APPROVED AND ADOPTED on this 26th day of September, 2023, by the following roll call vote:

AYES: Directors Pierucci, Selvidge, Unruh, Watts and Millwee
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE

I HEREBY CERTIFY that the foregoing resolution is the resolution of said District as duly passed and adopted by said Board of Directors on the 26th day of September, 2023

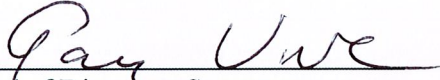
WITNESS my hand and seal of the Board of Directors this 26th day of September, 2023.

ROSEDALE-RIO BRAVO WATER STORAGE DISTRICT



Board of Directors, President

Attest:



Board of Directors, Secretary