



7A

RURAL NORTH VACAVILLE WATER DISTRICT

POLICY TITLE: Rate Increase Public Notice and Protest per Prop 218
POLICY NUMBER: 2500
ADOPTION: 7-13-23
REVISIONS: None

2500: Definitions.

Unless the context plainly indicates another meaning was intended, the following definitions shall apply in construction of these guidelines.

- A. "Parcel" means a County Assessor's parcel the owner or occupant of which is subject to the proposed charge that is the subject of the hearing.
- B. "Record customer" and "customer of record" mean the person or persons whose name or names appear on the District records as the person who has contracted for, or is obligated to pay for, utility services to a particular utility account.
- C. "Owner" or "Customer of Record" means the person or persons whose name or names appear on the DISTRICT Customer list as the owner or rental of a parcel.
- D. A "fee protest proceeding" is not an election, but the Clerk of the Board will maintain the confidentiality of protests as provided below and will maintain the security and integrity of protests at all times.

2500.1: Notice Delivery.

Notice of proposed rates and public hearing shall be as follows:

- A. The DISTRICT shall give notice of proposed charges via U.S. mail to all record owners and customers of record served by the DISTRICT.
- B. The DISTRICT will post the notice of proposed charges and public hearing at its official posting sites.

2500.2: Protest Submittal.

- A. Any record owner or customer of record who is subject to the proposed utility charge that is the subject of the hearing may submit a written protest to the Clerk of the Board, by:
 - (i) Mail to Clerk at Clerk of the Board's Post Office Box 1449, Vacaville, California 95696.
 - (ii) Personally submitting the protest at the Public Hearing. No batches will be accepted from any member at the meeting or any other time.
- B. Protests must be received by the end of the public hearing, including those mailed to the DISTRICT. No postmarks will be accepted; therefore, any protest not physically received by the close of the hearing, whether or not mailed prior to the hearing, shall not be counted.
- C. Because an original signature is required, emailed, faxed and photocopied protests shall not be counted.

D. Although oral comments at the public hearing will not qualify as a formal protest, unless accompanied by a written protest, the Board welcomes input from the community during the public hearing on the proposed charges.

E. Protest will not be counted if mailed with monthly billing and must be mailed to the clerk Post Office Box or personally hand delivered at the Public Hearing. No batches will be accepted from any member at the meeting or any other time.

F. Protest shall be collected by an impartial person designated by the board who does not have vested interest in the outcome and placed in a secured location until the day of tabulation.

2500.3: Protest Requirements.

A. A written protest must include:

(i) A statement that it is a protest against the proposed charge that is the subject of the hearing.

(ii) Name of the record owner or customer of record who is submitting the protest;

(iii) Identification of assessor's parcel number or street address of the parcel with respect to which the protest is made; and

(iv) Original signature and legibly printed name of the record owner or customer of record who is submitting the protest.

B. Protests shall not be counted if any of the required elements (i thru iv) outlined in the preceding subsection "A." are omitted.

2500.4: Protest Withdrawal.

Any person who submits a protest may withdraw it by submitting to the Clerk of the Board a written request that the protest be withdrawn. The withdrawal of a protest shall contain sufficient information to identify the affected parcel and the name of the record owner or customer of record who submitted both the protest and the request that it be withdrawn.

2500.5: Multiple Record Owners or Customers of Record.

A. Each record owner or customer of record of a parcel served by the DISTRICT Service Area may submit a protest. This includes instances where:

(i) A parcel is owned by more than one record owner or more than one name appears on the DISTRICT's records as the customer of record for a parcel, or

(ii) A customer of record is not the record owner, or

(iii) A parcel includes more than one record customer, or

B. Only one protest will be counted per parcel as provided by Government Code Section 53755(b).

2500.6: Transparency, Confidentiality, and Disclosure.

A. To ensure transparency and accountability in the fee protest tabulation while protecting the privacy rights of record owners and customers of record, protests will be maintained in confidence until tabulation begins following the public hearing.

B. Once a protest is opened during the tabulation, it becomes a disclosable public record, as required by State law and will be maintained in DISTRICT files for two years.

2500.7: Clerk of the Board.

The Clerk of the Board shall not accept as valid any protest if he or she determines that any of the following is true:

- A. The protest does not state its opposition to the proposed charges.
- B. The protest does not name the record owner or record customer of the parcel identified in the protest as of the date of the public hearing.
- C. The protest does not identify a parcel served by the DISTRICT that is subject to the proposed charge.
- D. The protest does not bear an original signature of the named record owner of, or record customer with respect to, the parcel identified on the protest.
Whether a signature is valid shall be entrusted to the reasonable judgment of the Clerk of the Board, who may consult signatures on file with the DISTRICT Elections Official.
- E. The protest was altered in a way that raises a fair question as to whether the protest actually expresses the intent of a record owner or a customer of record to protest the charges.
- F. The protest was not received by the Clerk of the Board before the close of the public hearing on the proposed charges.
- G. A request to withdraw the protest was received prior to the close of the public hearing on the proposed charges.

2500.8: Clerk of the Board's Decision is Final.

The Clerk of the Board's decision that a protest is not valid shall constitute a final action of the DISTRICT and shall not be subject to any internal appeal.

SECTION 10: Majority Protest.

- A. A majority protest exists if written protests are timely submitted and not withdrawn by the record owners of, or customers of record with respect to, a majority (50% plus one) of the parcels subject to the proposed charge.
- B. While the DISTRICT may inform the public of the number of parcels served by the DISTRICT Service Area when a notice of proposed rates is mailed, the number of parcels with active customer accounts served by the DISTRICT on the date of the hearing shall control in determining whether a majority protest exists.

2500.9: Tabulation of Protests.

At the conclusion of the public hearing, the Clerk of the Board or other impartial person with no vested interest in the outcome of the proposed charges shall tabulate all protests received, including those received during the public hearing, and shall report the result to the Board. If the number of protests received is insufficient to constitute a majority protest, the Clerk of the Board may determine the absence of a majority protest without validating the protests received, but may instead deem them all valid without further examination.

Further, if the number of protests received is obviously substantially fewer than the number required to constitute a majority protest, the Clerk of the Board may determine the absence of a majority protest without opening the envelopes in which protests are returned.

2500.10: Report of Tabulation.

If at the conclusion of the public hearing, the Clerk of the Board determines that he or she will require additional time to tabulate the protests, he or she shall so advise the Board, which may adjourn the meeting to allow the tabulation to be completed on another day or days. If so, the Board shall declare the time and place of tabulation, which shall be conducted in a place where interested members of the public may observe the tabulation, and the Board shall declare the time at which the meeting shall be resumed to receive and act on the tabulation report of the Clerk of the Board.