

**RESOLUTION NO. 2015-07**  
**OF THE GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT**  
**PROVIDING PROTEST PROCEDURES UNDER PROPOSITION 218 IN OPPOSITION**  
**TO FEES OR CHARGES FOR PROPERTY-RELATED SERVICES**

**WHEREAS**, Proposition 218 requires that all protests against fees or charges for property-related services be considered at a public hearing; and

**WHEREAS**, Proposition 218 does not clearly set forth who is allowed to submit protests, procedures for submitting protests, or how protests to fees or charges for property-related services are to be tabulated; and

**WHEREAS**, the California Legislature in 2008 passed the Proposition 218 Omnibus Implementation Act (Gov. Code § 53750 et seq.); and

**WHEREAS**, the Proposition 218 Omnibus Implementation Act includes provisions clarifying Proposition 218 as it pertains to fees or charges for property-related services (Gov. Code § 53755); and

**WHEREAS**, the Georgetown Divide Public Utility District (GDPUD) Board of Directors (Board) wishes to set forth procedures in this resolution to clarify the procedures for protesting fees or charges for property-related services, which are intended to be consistent with both Proposition 218 and the Proposition 218 Omnibus Implementation Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS AS FOLLOWS:**

The Board hereby adopts the following procedures for the submission and tabulation of protests to fees and charges for property-related services proposed by the GDPUD:

1. Only written protests shall be counted.
2. Written protests shall be accepted only from owners of property within the District whose names and addresses appear on the most recent equalized secured property tax assessment roll, or persons who can provide proof of ownership or tenancy in the property, or persons who are registered by the GDPUD as customers receiving treated water service.
3. All written protests must be personally submitted by the end of the noticed public hearing or delivered prior to the hearing by U.S. Mail c/o Churchwell White LLP, 1414 K Street, 3<sup>rd</sup> Floor, Sacramento, CA 95814 or personal delivery to Georgetown PUD at 6425 Main Street, Georgetown, or such address that may be provided by the District Board. No oral, electronic or facsimile protests will be considered by the Board.
4. Written protests must identify the protester's property either by assessor's parcel number or street address and must include the original signature of the person submitting the

protest. Tenants must also provide proof of residency at that assessor's parcel number or street address with a written protest.

5. Protests shall be tabulated by counting one written protest per parcel, submitted to the GDPUD by the owner of the parcel whose name appears on the most recent equalized property tax assessment roll or who can provide proof of ownership or tenancy in the parcel or who is registered by the GDPUD as a customer receiving treated water service. Either the owner of the parcel or the tenant/treated water customer, if different, may protest. If more than one person or entity owns the parcel, and if one of the owners submits a written protest, that protest shall be included in the calculation of protests. Under all circumstances, only one protest per parcel shall be counted.

6. Protests submitted to the GDPUD may be withdrawn by submitting a written request to the GDPUD that the protest be withdrawn. The written request for withdrawal of a protest may be delivered to the GDPUD at 6425 Main Street, Georgetown, mailed c/o Churchwell White LLP, 1414 K Street, 3<sup>rd</sup> Floor, Sacramento, CA 95814 or such address that may be provided by the District Board, prior to the public hearing by U.S. Mail or by personal delivery or may be delivered personally before the conclusion of the public hearing. A written withdrawal of a protest shall identify the parcel by assessor's parcel number or service address and the name of the person whose name appears on the most recent equalized property tax assessment roll or who can provide proof of ownership or tenancy in the parcel or who is registered by the GDPUD as a customer receiving treated water service. All written requests for withdrawal must include a request that the protest be withdrawn. The withdrawal of a protest shall only be valid if it is submitted by the same person who submitted the original protest.

7. Tabulation of written protests shall be as follows:

a. The GDPUD shall determine the validity of all protests based on sections 1 through 5 above.

b. The GDPUD shall not accept as valid any written protest if the GDPUD determines that any of the following are applicable:

- i. The protest does not identify a parcel or service address which receives treated water service.
- ii. The protest does not bear the original signature of the person submitting the protest.
- iii. The protest does not state its opposition to the proposed property-related fee or charge which is the subject of the protest proceeding.
- iv. The protest was not received by the GDPUD before the close of the public hearing on the proposed fee or charge.
- v. A valid request to withdraw the protest is received prior to the close of the public hearing on the proposed fee or charge from the person who originally submitted the protest.
- vi. The protest was delivered to the GDPUD in a manner other than U.S. mail or personal delivery (such as electronic mail or facsimile).

8. Protests shall be tabulated at the public hearing or at a continued meeting. Tabulation shall be conducted by the Clerk of the Board, any designated employee or official of the GDPUD and by the Board members present at the hearing. At the Board's discretion, members of the public may be permitted to observe the tabulation process, but shall not be entitled to actively participate in the tabulation process. If the number of protests clearly does not exceed the number required for a valid protest, the Board may modify the tabulation process.

9. To assist validation of protest letters, staff and Board members shall receive hard copies of two types of customer lists: by last name of customer and by service address with customer number. Missing customer numbers shall be manually added to protest letters.

10. A valid majority protest shall exist if written protests which comply with each of the requirements of this resolution are timely submitted and not withdrawn with respect to a majority of affected parcels subject to the proposed fee or charge.

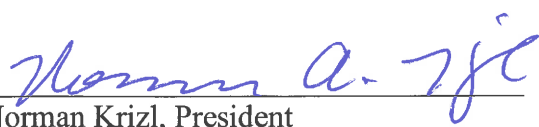
11. At the conclusion of the tabulation of protests, the written protests may be disclosed as public records under the Public Records Act (Gov. Code § 6252 *et seq.*)

PASSED AND ADOPTED at a regularly held meeting of the Board of Directors of the GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT this fourteenth day of July, 2015.

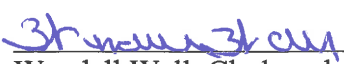
AYES: Krizl, Capraun, Hanschild, Uso

NOES:

ABSENT: Hoelscher


  
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Norman Krizl, President  
Board of Directors  
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

ATTEST:

  
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Wendell Wall, Clerk and ex officio  
Secretary, Board of Directors  
GEORGETOWN DIVIDE PUBLIC UTILITY DISTRICT

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of Resolution 2015-07 duly and regularly adopted by the Board of Directors of the Georgetown Divide Public Utility District, County of El Dorado, State of California, on the 14<sup>th</sup> day of July 2015.

  
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WENDELL WALL  
General Manager  
Georgetown Divide Public Utility District