

**Durham Irrigation District Board of Directors
Special Board Meeting**

March 20, 2023 – 6:00 PM – 7:00 PM

AGENDA



COPIES OF THIS AGENDA AVAILABLE FROM:

Durham Irrigation District Office or Online at www.didwater.org

- ◆ *The Board of Directors is committed to making its meetings accessible to all citizens. Any person requiring special accommodation to participate is requested to contact the District Office at 530-343-1594 at least 48 hours in advance of the meeting.*
- ◆ *The Board of Directors or its Chair, pursuant to Government Code section 54954.3, reserve the right to impose reasonable regulations governing public participation on agenda and non-agenda items, including limiting the total amount of time allocated to public testimony on particular issues and for each individual speaker.*

Posted: 3:30 PM, March 17, 2023 at 9418-C Midway, Durham, CA 95938 and www.didwater.org.

Board of Directors:

Matt Doyle, Chair
Raymond Cooper, Director
Kevin Phillips, Director

District Staff:

Mike Butler, Water Operator
Jeannie Trizzino, Administrative Assistant

AGENDA ITEMS:

1 CALL TO ORDER

- 1.1 Roll Call/Establishment of Quorum

2 Prop 218 Water Rate Hearing

- 2.1 Introduction and Overview of Proposed Water Rates
- 2.2 Public Hearing: Receive written protests and public comment regarding the proposed water rates.

Only valid written protests will be tabulated.

Members of the public are permitted to address the Board on agendized items. In order not to unduly delay the meeting, individuals requesting the opportunity to address the Board are requested to keep their comments to a maximum of three minutes.

. Any person requiring special accommodation to participate is requested to contact the District Office by phone at 530-343-1594 or by email to info@didwater.org in advance of the meeting.

You may also submit written comments to the District.

Only valid written protests will be tabulated.

- 2.3 Tabulation of Written Protests

- 2.4 * Consideration of Resolution No. 2023-01 - Adoption of Proposed Water Rates

3 ADJOURNMENT

Adjourn to the next Regular Board Meeting, March 21, 2023.

RESOLUTION 2023-01**RESOLUTION NO. 2023-01****RESOLUTION OF THE BOARD OF DIRECTORS
OF DURHAM IRRIGATION DISTRICT ADOPTING PROPOSED WATER RATES**

WHEREAS, Durham Irrigation District (“District”) is a California Irrigation District formed and existing under the provisions of Division 11 of the Water Code of the State of California; and

WHEREAS, on December 20, 2022, the Board of Directors adopted Resolution No. 2022-10 repealing water rates to those in existence immediately prior to January 1, 2019, adopting the remedy sought by a voter initiative petition that was not submitted to the voters due to a mistake and/or professional negligence; and

WHEREAS, the water rates in existence immediately prior to January 1, 2019 and in effect January 1, 2023 as a result of the water rate repeal instituted by Resolution No. 2022-10 are below District’s current cost of providing water service to its customers; and

WHEREAS, the District caused a Cost of Service analysis to be prepared describing the District’s costs of providing water service to its customers; and

WHEREAS, at least 45 days prior to the public hearing, the District caused a notice to be mailed informing landowners and customers in the District of proposed water rates, fees, and water rate policies and informing landowners and customers of a public hearing on March 20, 2023 to present protests against the proposed water rates, fees and water rate policies, pursuant to Article XIII D of the California Constitution (“Proposition 218”); and

WHEREAS, the District’s Cost of Service analysis was published on the District’s website and available for review at the District’s office prior to and at the public hearing; and

WHEREAS, the District caused protests to be collected by mail or hand-delivered at or before a duly noticed public hearing held on March 20, 2023; and

WHEREAS, the Board of Directors, at a duly noticed public hearing conducted at 6 p.m. on March 20, 2023, did receive and consider public comment regarding the proposed water rates; and

WHEREAS, the District identified 439 unique parcels affected by the water rates; and

WHEREAS, the Board of Directors has counted the validly submitted protests received in connection with proposed water rates, fees and water rate policies and has determined that the written protests received represent less than 50% of the affected parcels subject to the proposed water rates, fees, and water rate policies; and

WHEREAS, the Board of Directors has considered the comments, both oral and written, presented.

RESOLUTION 2023-01

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Durham Irrigation District as follows:

1. The Recitals set forth in this Resolution are true and correct statements and are incorporated as an operative part of this Resolution and made findings and determinations of the Board. The District's Cost of Service analysis is incorporated herein by this reference as additional findings and determinations of the Board.
2. Revenues derived from the water rates and fees approved by this resolution do not exceed the funds required to provide the water service, and will not be used for any purpose other than the water services described in District's Cost of Service analysis.
3. The amount of water rates imposed upon any parcel or person as an incident of property ownership shall not exceed the proportional cost of the water service attributable to the parcel.
4. The schedules of proposed water rates, fees, and water rate policies described in the Cost of Service analysis are hereby adopted, District staff is hereby authorized and directed to take all actions necessary to implement and collect the rates and charges set forth therein.
5. The water rates, fees, and water rate policies approved by this Resolution are either not a project under the California Environmental Quality Act ("CEQA") or are necessary for the operation and maintenance of the District and are, therefore, exempt from CEQA.
6. This Resolution shall take immediate effect upon its adoption.

PASSED AND ADOPTED by the Board of Directors of Durham Irrigation District at a special meeting duly called and held on March 20, 2023, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chair of the Board of Directors

Attest:

Secretary to the Board of Directors