



RIVER PINES

PUBLIC UTILITY DISTRICT

22900 Canyon Ave – P.O. Box 70 – River Pines, CA 95675
(209) 245-6723
rppud@riverpinespubd.org

REGULAR AGENDA

Wednesday, November 20, 2024 - 6:00 P.M.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **AGENDA:** Approval of agenda for this date; all off-agenda items must be approved by the Board (pursuant to §54954.2 of the Government Code.)
5. **PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA:** Discussion items only, no action to be taken. Any person may address the Board now upon any subject within the jurisdiction of the Board; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent Board meeting. Please note - there is a **three (3) minute limit per topic**.
6. **MINUTES: Discussion / Approval.**
 - a. October 16, 2024 Regular Meeting.
 - b. November 6, 2024 Special Meeting.
7. **CONSENT ITEMS:**
 - a. Monthly Financial Statements – Period Ending October 31, 2024.
 - b. Expenditure Report – Submitted Check Approval through October 31, 2024.
8. **MONTHLY OPERATIONS REPORT: Discussion.** Any matter requiring Action will be placed on and upcoming agenda for consideration.
 - a. Monthly Operations Report - Period Ending October 31, 2024.
 - b. Monthly General Manager Report – Period Ending October 31, 2024.
9. **BOARD MATTERS:** Discussion / Action / Direction to Staff.
 - a. Appoint New Board Member Replacing Director Rewitzer. Discussion/Action
 - b. Appoint New Chairman and Vice-Chairman. Discussion/Action.
 - c. Property Outside of the Service Area Requests the District go through LAFCO to have this Parcel added to the District Service Area. Discussion/Action
 - d. Distribution Project Update. Discussion/Action
 - e. Managerial Consolidation with AWA Update. Discussion/Action
 - f. Resolution 2024-03 - District Guidelines. Discussion/Action
 - g. Proposition 218 Rate Increase – Approve with Adopted Guidelines. Discussion/Action
 - h. December 18, 2024 Meeting Cancellation. Discussion/Action
10. **BOARD OF DIRECTORS COMMENTS/REPORTS:** Discussion Only.
 - a. Capital Improvements and general repairs necessary at the District. Continued Item.

11. COMMITTEE COMMENTS/REPORTS: Continued Item.

a. Water Rights Committee. Discussion/Possible Action.

12. FUTURE AGENDA TOPICS: This is an opportunity for Board Members and District Staff to request matters to be placed on upcoming agendas.

13. ADJOURNMENT – The next Regular Meeting – December 18, 2024 at 6:00 p.m.

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RIVER PINES
PUBLIC UTILITY DISTRICT

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(209) 245-6723
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REGULAR MINUTES
October 16, 2024
ACTION MINUTES

1. CALL TO ORDER: The meeting was called to order by Chairman Raymond at 6:00 p.m.

2. ROLL CALL: Via Phone

Director Karla Christensen
Director Anita Ebbinghausen
Director Roscoe Raymond

Candi Bingham, General Manager -Via Phone
Gisele Wurzbarger, Board Clerk – Via Phone

ABSENT:

Director John Chapman

3. PLEDGE OF ALLEGIANCE: Chairman Raymond led the Pledge of Allegiance.

4. AGENDA:

Vice-Chairman Christensen requested a Closed Session be held before the November 20, 2024 meeting for a Personal Matter.

Motion by President Raymond, seconded by Board Member Ebbinghausen and carried by a 3 to 0 vote to approve the Regular Agenda dated October 16, 2024.

AYES: Christensen, Ebbinghausen, Raymond
NOES: None
ABSTAIN: None
ABSENT: Chapman

5. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA:

Chairman Raymond noted for the record Ken Deavor, Amador Water Agency was present.

6. MINUTES: Discussion / Approval.

a. August 21, 2024, Regular Meeting.

Motion by Chairman Raymond, seconded by Vice-Chairman Christensen and carried by a 4 to 0 vote to approve the Minutes dated July 17, 2024, as amended. Motion passed by the following vote:

AYES: Christensen, Ebbinghausen, Raymond
NOES: None
ABSTAIN: None
ABSENT: Chapman

7. CONSENT ITEMS:

a. Monthly Financial Statements and Bank Accounts - Period Ending August 31, 2024 and September 30, 2024.

Chairman Raymond opened the public discussion. Hearing no comments from the public, Chairman Raymond closed the public discussion.

b. Expenditure Report - Submitted Check Approval through August 31, 2024 and September 30, 2024.

Chairman Raymond opened the public discussion. Hearing no comments from the public, Chairman Raymond closed the public discussion.

Motion by Chairman Raymond, seconded by Vice-Chairman Christensen and carried by a 4 to 0 vote to approve the Monthly Financial Statements and Expenditure Report – Period Ending August 31, 2024 and September 30, 2024. Motion passed by the following vote:

AYES: Christensen, Ebbinghausen, Raymond
NOES: None
ABSTAIN: None
ABSENT: Chapman

8. MONTHLY OPERATIONS REPORT: Discussion. Any matter requiring action will be placed on an upcoming agenda for consideration.

a. Monthly Operations Report.

August 1, thru August 31, 2024 Water Production/Sold Information:

Well 2 - 472,100 gallons Total Produced - 1,494,963 gallons
Well 3R – 743,700 gallons Total Sold – 1,044,341 gallons
Well 6R 279,163 gallons Unaccounted Loss - 30%
Staff Hours: Water 67 hours

August 1 thru August 31, 2024 Wastewater Production:

Influent flow: 1,238,500 gallons Effluent Discharged: 383,200 gallons
Staff Hours: Wastewater 42.50 hours

b. Monthly Operations Report.

September 1, thru September 30, 2024 Water Production/Sold Information:

Well 2 - 281,000 gallons Total Produced - 1,102,521 gallons
Well 3R – 503,000 gallons Total Sold – 802,872 gallons
Well 6R 318,521 gallons Unaccounted Loss - 27%
Staff Hours: Water 60 hours

September 1 thru September 30, 2024 Wastewater Production:

Influent flow: 965,400 gallons Effluent Discharged: 225,500 gallons
Staff Hours: Wastewater 60 hours

b. Monthly General Manager Report – Period Ending August/September 2024.

The Monthly General Manager Report included updates from the General Manager. The following items were discussed - see report for complete details.

1. Distribution Reimbursement

2. Circle Tank Leak
3. Spay Field Clearing
4. Light Poles within the District – request list and working status.

9. BOARD MATTERS: Discussion/Action.

a. Distribution Project Update. Discussion/Action.

General Manager Bingham reported she has been working together with the District Engineer and AWA to put together a reduced plan for the State.

Amador Water Agency was able to provide the most troubled areas requiring ongoing repairs and repeated cost which will be included in the plan. Staff provided the expense of the current distribution system and where money may be lost and need to be fixed help with revenue. Areas included customer complaints ongoing leaks and water access not currently being metered. District Engineer went through the previous plans, current State budget and developed a reduced plan to send to the State. Staff will go through the maps to make sure every customer is currently receiving water and included in the reduced plan. The new scope of work will include all new main lines on Circle and abandon all current/old lines. All new main lines and new meters will be located in front of each customer’s home. Pressure reducing valves and new fire hydrants where new lines are being added.

Chairman Raymond opened the public discussion. Hearing no comments from the public, Chairman Raymond closed the public discussion.

No action was taken.

b. Managerial Consolidation with AWA Update. Discussion/Action.

No written report was provided on this item. General Manager Bingham stated at the August meeting she reported Briain Kidwell was requesting a letter from the District approving Amador Water Agency’s request for Technical Assistance for Potential Managerial Consolidation of River Pines Public Utility District into Amador Water Agency. She inquired if Chairman Raymond had submitted the letter that she provided the letter she provided. Chairman Raymond stated he had not submitted the letter and stated he would send it out.

General Manager recapped that the Consolidation is the joining of two or more water systems, which commonly includes a smaller system being absorbed into a larger water system. When a physical consolidation occurs, one water system is dissolved, and its customers are provided service by another existing water system.

Chairman Raymond opened the public discussion. Hearing no comments from the public, Chairman Raymond closed the public discussion.

No action was taken.

c. Audit Update. Discussion/Action.

General Manager Bingham reported C. J. Company Brown CPAs submitted an estimate to complete the following audit years:

June 30, 2021 - \$16,000	June 30, 2022 - \$16,520
June 30, 2023 - \$17,040	June 30, 2024 - \$17,560
June 30, 2025 - \$18,080	

Also contacted the auditor that Pine Grove District uses and in their conversation he stated he had all he could handle but if the District couldn’t find an auditor, to give him a call back and he would see what he could do.

Chairman Raymond opened the public discussion. Hearing no comments from the public, Chairman Raymond closed the public discussion.

After considerable discussion the following motion was made:

Motion by Board Member Ebbinghausen, seconded by Chairman Raymond, and carried by a 3 to 0 vote to approve C. J. Company Brown CPAs to complete Audits the following Audits

June 30, 2021 - \$16,000	June 30, 2022 - \$16,520
June 30, 2023 - \$17,040	June 30, 2024 - \$17,560
June 30, 2025 - \$18,080	

Motion passed by the following vote:

AYES: Chapman, Ebbinghausen, Raymond
NOES: Christensen
ABSTAIN: None
ABSENT: None

d. Rate Increase/Proposition 218 Procedure. Discussion/Action.

General Manager Bingham reported the Proposition 218 was mailed out to every property owner in mid-September. In the proposition letter there was a typo on the date of the public hearing. The date in the letter was November 6, 2025, with the new rate increase to go into effect January 1, 2025. A letter was sent out to every property owner on October 11, 2024, correcting the public hearing date. This is five weeks before the public hearing and covers everything for Proposition 218. Proposition 218 was posted in the Ledger Dispatch, on the District's website with the correct Public Hearing date.

The rate increase public hearing is November 6, 2024, at 6:00 p.m. at the River Pines Town Hall. Per Proposition 218, all envelopes received will be given to the District's Board Clerk to tally. They will not be opened and counted during the public hearing. All ballots, per Proposition 218 will be in the office for review after the public hearing.

Chairman Raymond opened the public discussion. Hearing no comments from the public, Chairman Raymond closed the public discussion.

Vice-Chairman Christensen stated the ballots should be opened and tallied during the meeting.

General Manager stated Proposition 218 states at the conclusion of the public hearing "not during" an impartial person designated by the agency (someone who does not have a vested interest in the outcome of the proposed assessment) must tabulate the ballots that were submitted. An impartial person includes the clerk or secretary of the agency.

Staff requested the Board designate Board Clerk Wurzburger to provide the tally service and to prepare the Minutes for the November 6 Proposition 218 Public Hearing.

Board Clerk Wurzburger stated she has provided this service for her previous employment on a Proposition 218 proceeding. That all ballots and the tally, per Proposition 218 were available for review after the public hearing.

Chairman Raymond opened the public discussion. Hearing no comments from the public, Chairman Raymond closed the public discussion.

After considerable discussion the Board requested Board Clerk Wurzburger provide the Proposition 218 tally service and to prepare the Minutes for the November 6 Proposition 218 Public Hearing.

10. BOARD OF DIRECTORS COMMENTS/REPORTS: Discussion Only.

a. Capital Improvements and general repairs necessary at the District. Continued Item.

Board Member Ebbinghausen stated she had not heard back regarding bids for the District bathroom. General Manager Bingham stated she would follow up with Office Manager Garrett.

Vice-Chairman Christensen stated the recorder was not working. General Manager Bingham reported she had purchased a new recorder with new rechargeable batteries and would mail it to the office before the next meeting.

11. COMMITTEE COMMENTS/REPORTS: Continued Item.

a. Water Rights Committee. Discussion/Possible Action.

Chairman Raymond stated he was looking into steel repair on the dam.

12. FUTURE AGENDA TOPICS:

1. Distribution Project Update. Discussion/Action
2. Proposition 218 Public Hearing November 6, 2025. Discussion/Action
3. Closed Session Personal Matter. Discussion/Action

ADJOURNMENT: The meeting adjourned at 7:18 p.m. to be held Special Meeting November 4, 2024.



RIVER PINES
PUBLIC UTILITY DISTRICT

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SPECIAL MINUTES
November 6, 2024
ACTION MINUTES

1. CALL TO ORDER: The meeting was called to order by Chairman Raymond at 6:00 p.m.

2. ROLL CALL: Via Phone

Candi Bingham, General Manager -Via Phone
Gisele Wurzbarger, Board Clerk – Via Phone

Director Karla Christensen
Director Anita Ebbinghausen
Director Roscoe Raymond

ABSENT: Director John Chapman

3. PLEDGE OF ALLEGIANCE: Chairman Raymond led the Pledge of Allegiance.

4. AGENDA:

Motion by Board Member Ebbinghausen, seconded by Vice-Chairman Christensen and carried by a 4 to 0 vote to approve the Special Agenda dated November 6, 2024.

AYES: Christensen, Ebbinghausen, Raymond
NOES: None
ABSTAIN: None
ABSENT: Chapman

5. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA:

A member of the public was present to discuss a 13-month leak at his resident. President Raymond requested he contact the office to discuss this matter.

6. BOARD MATTERS: Discussion/Action.

a. Proposition 218 Hearing – Proposed Rate Increase. Discussion/Action

General Manager Bingham reported per Proposition 218, all envelopes received were given to the District’s Board Clerk to tally and are available to review after the public hearing.

General Manager Bingham stated Proposition 218 states at the conclusion of the public hearing “not during” an impartial person designated by the agency (someone who does not have a vested interest in the outcome of the proposed assessment) must tabulate the ballots that were submitted. An impartial person includes the clerk or secretary of the agency.

Board Clerk Wurzburger stated she has provided this service for her previous employment during a Proposition 218 proceeding. That all ballots and the tally were available for review after the public hearing.

Chairman Raymond opened the public hearing.

Vice-Chairman Christensen stated the ballots were not provided in accordance with the Proposition 218 guidelines. The face of the envelope mailed to the property owner with the ballot and notice must contain, in at least sixteen-point type, the following statement in substantially the following form: "OFFICIAL BALLOT ENCLOSED. She also stated all assessment ballots must remain sealed until the conclusion of the public hearing. She stated she was not against the rate increase, only the incorrect process.

General Manager Bingham stated the Board designated Board Clerk Wurzburger to provide the tally service and to prepare the Minutes for the November 6 Proposition 218 Public Hearing.

Board Clerk Wurzburger stated the tally took a total 3.5 hours to complete. The spreadsheet and tallied votes were provided for the public review. She noted the ballots were kept in the original envelopes as logged in on the provided spreadsheet.

Chairman Raymond asked how much it would cost to redo the ballots process. General Manager Bingham stated between \$300 to \$400 dollars for the mailing and an additional \$300 for the Board Clerk to attend by phone and prepare the minutes.

After considerable discussion Chairman Raymond requested Vice Chairman Christensen provide a detailed written letter of the Proposition 218 procedure to the General Manager. General Manager Bingham requested this letter be submitted as soon as possible in order to start the 45-day process. Vice Chairman Christensen stated she would prepare the letter by next Tuesday.

Chairman Raymond, Hearing no comments from the public, Chairman Raymond closed the public hearing.

The following motion was made:

Motion by Chairman Raymond, seconded by Board Member Ebbinghausen and carried by a 4 to 0 vote to redo the Proposition 218 notification and ballot process.

AYES: Christensen, Ebbinghausen, Raymond
NOES: None
ABSTAIN: None
ABSENT: Chapman

7. ADJOURNMENT: The meeting adjourned at 6:43 p.m. to the next schedule Regular Meeting November 20, 2024, at 6:00 p.m.

River Pines Public Utility District

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Profit Loss

October 2024

	SEWER	WATER	NOT SPECIFIED	TOTAL
Income				
Base Fee Income	0.00	0.00	0.00	\$0.00
Maintenance Fees	320.00	320.00	0.00	\$640.00
Sewer	16,432.80	0.00	0.00	\$16,432.80
Voluntary Lock-Off	87.50	87.50	0.00	\$175.00
Water	0.00	12,923.93	0.00	\$12,923.93
Total Base Fee Income	16,840.30	13,331.43	0.00	\$30,171.73
Services	0.00	0.00	507.60	\$507.60
Variable Income	0.00	0.00	0.00	\$0.00
Block Meter	0.00	50.00	0.00	\$50.00
Door Hanger Fee	0.00	110.00	0.00	\$110.00
Late Fees	283.68	322.43	5.00	\$611.11
Reconnection Fee	0.00	350.00	0.00	\$350.00
Service Connection Fee	98.58	98.67	0.00	\$197.25
Water - Usage	0.00	4,178.51	0.00	\$4,178.51
Total Variable Income	382.26	5,109.61	5.00	\$5,496.87
Total Income	\$17,222.56	\$18,441.04	\$512.60	\$36,176.20
GROSS PROFIT	\$17,222.56	\$18,441.04	\$512.60	\$36,176.20
Expenses				
60000 Advertising and Promotion	0.00	28.00	0.00	\$28.00
64900 Office Expenses	0.00	0.00	0.00	\$0.00
Equipment	137.00	137.00	0.00	\$274.00
Software	165.81	165.82	0.00	\$331.63
Total 64900 Office Expenses	302.81	302.82	0.00	\$605.63
68600 Utilities	0.00	0.00	0.00	\$0.00
68100 Telephone - Office	28.85	28.80	0.00	\$57.65
Disposal	65.72	65.72	0.00	\$131.44
Electricity - Office	0.00	65.25	0.00	\$65.25
Electricity - Town Hall	65.24	0.00	0.00	\$65.24
Electricity - Street Lights	50.01	50.02	0.00	\$100.03
Total 68600 Utilities	209.82	209.79	0.00	\$419.61
Board Members	0.00	0.00	0.00	\$0.00
Salary	150.00	150.00	0.00	\$300.00
Total Board Members	150.00	150.00	0.00	\$300.00
Contracted Expenses	0.00	0.00	0.00	\$0.00
Board Clerk	300.00	300.00	0.00	\$600.00
Manager	1,907.34	1,907.34	0.00	\$3,814.68
Total Contracted Expenses	2,207.34	2,207.34	0.00	\$4,414.68

River Pines Public Utility District

Profit Loss

October 2024

	SEWER	WATER	NOT SPECIFIED	TOTAL
Payroll	0.00	0.00	0.00	\$0.00
Employee	1,350.33	1,350.34	0.00	\$2,700.67
Total Payroll	1,350.33	1,350.34	0.00	\$2,700.67
Sewer Expenses	0.00	0.00	0.00	\$0.00
Electricity - Sewer	8,000.00	0.00	0.00	\$8,000.00
Repairs/Maintenance	426.66	0.00	0.00	\$426.66
SCADA Service	700.00	0.00	0.00	\$700.00
Telephone - Sewer	464.46	0.00	0.00	\$464.46
Total Sewer Expenses	9,591.12	0.00	0.00	\$9,591.12
Water/Distribution Expenses	0.00	0.00	0.00	\$0.00
Amador Water Agency	0.00	0.00	0.00	\$0.00
After Hour On-Call	0.00	968.00	0.00	\$968.00
Customer Service	0.00	175.78	0.00	\$175.78
Mandatory State Reporting	0.00	81.27	0.00	\$81.27
Meter Reading	0.00	505.86	0.00	\$505.86
Operation Repairs	0.00	9,582.05	0.00	\$9,582.05
Rountine Service	0.00	3,136.57	0.00	\$3,136.57
Total Amador Water Agency	0.00	14,449.53	0.00	\$14,449.53
Electricity - Water	0.00	5,147.21	0.00	\$5,147.21
Parts/Supplies	0.00	550.47	0.00	\$550.47
SCADA Service	0.00	300.00	0.00	\$300.00
Total Water/Distribution Expenses	0.00	26,447.21	0.00	\$26,447.21
Total Expenses	\$13,811.42	\$24,895.50	\$0.00	\$38,506.92
NET OPERATING INCOME	\$3,411.14	\$-6,254.46	\$512.60	\$-2,330.72
Other Income				
Late Fee Income	0.00	0.00	84.87	\$84.87
Wireless Site Lease	250.00	250.00	0.00	\$500.00
Total Other Income	\$250.00	\$250.00	\$84.87	\$584.87
Other Expenses				
Distribution Project	0.00	2,503.50	0.00	\$2,503.50
Monitor Wells - Sewer	45.00	0.00	0.00	\$45.00
Total Other Expenses	\$45.00	\$2,503.50	\$0.00	\$2,548.50
NET OTHER INCOME	\$205.00	\$-2,253.50	\$84.87	\$-1,963.63
NET INCOME	\$3,616.14	\$-8,507.96	\$597.47	\$-4,294.35

Note

Operation Repairs were Jaybird motor (on call) and a Circle tank leak repair

River Pines Public Utility District

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Check Detail Report

October 2024

ACCOUNT	TRANSACTION ID	DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	CLEARED	AMOUNT
El Dorado Checking								
	124626							
El Dorado Checking	124626	10/01/2024	Check	Debit	Candi Bingham		Uncleared	-\$1,907.34
El Dorado Checking	124626	10/01/2024	Check	Debit	Candi Bingham			\$953.67
El Dorado Checking	124626	10/01/2024	Check	Debit	Candi Bingham			\$953.67
	124627							
El Dorado Checking	124627	10/02/2024	Check	ebt	Google Services		Uncleared	-\$116.64
El Dorado Checking	124627	10/02/2024	Check	ebt	Google Services			\$58.32
El Dorado Checking	124627	10/02/2024	Check	ebt	Google Services			\$58.32
	124628							
El Dorado Checking	124628	10/02/2024	Check	Debit	Leslie K Garrett		Uncleared	-\$1,057.31
El Dorado Checking	124628	10/02/2024	Check	Debit	Leslie K Garrett			\$528.66
El Dorado Checking	124628	10/02/2024	Check	Debit	Leslie K Garrett			\$528.65
	124629							
El Dorado Checking	124629	10/03/2024	Check	debit	RJPro		Uncleared	-\$274.00
El Dorado Checking	124629	10/03/2024	Check	debit	RJPro			\$137.00
El Dorado Checking	124629	10/03/2024	Check	debit	RJPro			\$137.00
	124630							
El Dorado Checking	124630	10/03/2024	Check	debit	Aces Waste Services, Inc.	1175	Uncleared	-\$131.44
El Dorado Checking	124630	10/03/2024	Check	debit	Aces Waste Services, Inc.			\$65.72
El Dorado Checking	124630	10/03/2024	Check	debit	Aces Waste Services, Inc.			\$65.72
	124631							
El Dorado Checking	124631	10/03/2024	Check	eft	Adobe PDF		Uncleared	-\$19.99
El Dorado Checking	124631	10/03/2024	Check	eft	Adobe PDF			\$10.00
El Dorado Checking	124631	10/03/2024	Check	eft	Adobe PDF			\$9.99
	124632							
El Dorado Checking	124632	10/03/2024	Check	debit	PG&E - Sewer	8721806002-5	Uncleared	-\$8,000.00
El Dorado Checking	124632	10/03/2024	Check	debit	PG&E - Sewer			\$8,000.00
	124633							
El Dorado Checking	124633	10/03/2024	Check	debit	PG&E - Water 2	2458584137-2	Uncleared	-\$3,507.44
El Dorado Checking	124633	10/03/2024	Check	debit	PG&E - Water 2			\$3,507.44
	124634							
El Dorado Checking	124634	10/03/2024	Check	debit	PG&E - Water	3357284549-4	Uncleared	-\$1,639.77
El Dorado Checking	124634	10/03/2024	Check	debit	PG&E - Water			\$1,639.77
	124635							
El Dorado Checking	124635	10/03/2024	Check	debit	PG&E - Street Lights	7368064062-7	Uncleared	-\$100.03
El Dorado Checking	124635	10/03/2024	Check	debit	PG&E - Street Lights			\$50.02
El Dorado Checking	124635	10/03/2024	Check	debit	PG&E - Street Lights			\$50.01
	124636							
El Dorado Checking	124636	10/03/2024	Check	debit	PG&E - Office/Town Hall	6898952032-2	Uncleared	-\$130.49
El Dorado Checking	124636	10/03/2024	Check	debit	PG&E - Office/Town Hall			\$65.25
El Dorado Checking	124636	10/03/2024	Check	debit	PG&E - Office/Town Hall			\$65.24
	3944							
El Dorado Checking	3944	10/09/2024	Bill Payment (Check)	14416	Amador Water Agency	30018	Uncleared	-\$15,000.00
El Dorado Checking	3944	10/09/2024	Bill Payment (Check)	14416	Amador Water Agency			-\$15,000.00
	3945							
El Dorado Checking	3945	10/09/2024	Bill Payment (Check)	14417	Anita Ebbinghausen	October Wage	Uncleared	-\$75.00
El Dorado Checking	3945	10/09/2024	Bill Payment (Check)	14417	Anita Ebbinghausen			-\$75.00
	3946							
El Dorado Checking	3946	10/09/2024	Bill Payment (Check)	14418	Brent Stewart, P.E.		Uncleared	-\$1,000.00
El Dorado Checking	3946	10/09/2024	Bill Payment (Check)	14418	Brent Stewart, P.E.			-\$1,000.00
	3947							
El Dorado Checking	3947	10/09/2024	Bill Payment (Check)	14419	California Bank & Trust	1030264749	Uncleared	-\$890.00
El Dorado Checking	3947	10/09/2024	Bill Payment (Check)	14419	California Bank & Trust			-\$890.00
	3948							
El Dorado Checking	3948	10/09/2024	Bill Payment (Check)	14420	Database Systems Corp.		Uncleared	-\$25.00
El Dorado Checking	3948	10/09/2024	Bill Payment (Check)	14420	Database Systems Corp.			-\$25.00
	3949							
El Dorado Checking	3949	10/09/2024	Bill Payment (Check)	14421	Gisele L. Wurzburger	October Board Clerk	Uncleared	-\$300.00
El Dorado Checking	3949	10/09/2024	Bill Payment (Check)	14421	Gisele L. Wurzburger			-\$300.00
	3950							
El Dorado Checking	3950	10/09/2024	Bill Payment (Check)	14422	John Chapman	October Wage	Uncleared	-\$75.00
El Dorado Checking	3950	10/09/2024	Bill Payment (Check)	14422	John Chapman			-\$75.00
	3951							
El Dorado Checking	3951	10/09/2024	Bill Payment (Check)	14423	Kamps Propane		Uncleared	-\$198.00
El Dorado Checking	3951	10/09/2024	Bill Payment (Check)	14423	Kamps Propane			-\$198.00
	3952							
El Dorado Checking	3952	10/09/2024	Bill Payment (Check)	14424	Karla Christensen	October Wage	Uncleared	-\$75.00
El Dorado Checking	3952	10/09/2024	Bill Payment (Check)	14424	Karla Christensen			-\$75.00

ACCOUNT	TRANSACTION ID	DATE	TRANSACTION TYPE	NUM	NAME	MEMO/DESCRIPTION	CLEARED	AMOUNT
	3953							
El Dorado Checking	3953	10/09/2024	Bill Payment (Check)	14425	KASL Consulting Engineers		Uncleared	-\$2,503.50
El Dorado Checking	3953	10/09/2024	Bill Payment (Check)	14425	KASL Consulting Engineers			-\$2,503.50
	3954							
El Dorado Checking	3954	10/09/2024	Bill Payment (Check)	14426	Ledger Dispatch		Uncleared	-\$28.00
El Dorado Checking	3954	10/09/2024	Bill Payment (Check)	14426	Ledger Dispatch			-\$28.00
	3955							
El Dorado Checking	3955	10/09/2024	Bill Payment (Check)	14427	Newterra Corporation, Inc		Uncleared	-\$2,000.00
El Dorado Checking	3955	10/09/2024	Bill Payment (Check)	14427	Newterra Corporation, Inc			-\$2,000.00
	3956							
El Dorado Checking	3956	10/09/2024	Bill Payment (Check)	14428	NV5, Inc.		Uncleared	-\$45.00
El Dorado Checking	3956	10/09/2024	Bill Payment (Check)	14428	NV5, Inc.			-\$45.00
	3957							
El Dorado Checking	3957	10/09/2024	Bill Payment (Check)	14429	Rocky Raymond	October Wage	Uncleared	-\$75.00
El Dorado Checking	3957	10/09/2024	Bill Payment (Check)	14429	Rocky Raymond			-\$75.00
	3958							
El Dorado Checking	3958	10/09/2024	Bill Payment (Check)	14430	Smith & Loveless Inc.		Uncleared	-\$228.66
El Dorado Checking	3958	10/09/2024	Bill Payment (Check)	14430	Smith & Loveless Inc.			-\$228.66
	3959							
El Dorado Checking	3959	10/09/2024	Bill Payment (Check)	14431	Gisele L. Wurzburger	November Special Meeting - Prop 218	Uncleared	-\$300.00
El Dorado Checking	3959	10/09/2024	Bill Payment (Check)	14431	Gisele L. Wurzburger			-\$300.00
	124637							
El Dorado Checking	124637	10/11/2024	Check	eft	AT&T - Sewer	209 245-3984 701 9	Uncleared	-\$464.46
El Dorado Checking	124637	10/11/2024	Check	eft	AT&T - Sewer			\$464.46
	124640							
El Dorado Checking	124640	10/15/2024	Check	debit	Candi Bingham		Uncleared	-\$1,907.34
El Dorado Checking	124640	10/15/2024	Check	debit	Candi Bingham			\$953.67
El Dorado Checking	124640	10/15/2024	Check	debit	Candi Bingham			\$953.67
	124638							
El Dorado Checking	124638	10/21/2024	Check	eft	Xero		Uncleared	-\$78.00
El Dorado Checking	124638	10/21/2024	Check	eft	Xero			\$39.00
El Dorado Checking	124638	10/21/2024	Check	eft	Xero			\$39.00
	124639							
El Dorado Checking	124639	10/22/2024	Check	eft	Intuit	Billing Software	Uncleared	-\$92.00
El Dorado Checking	124639	10/22/2024	Check	eft	Intuit			\$46.00
El Dorado Checking	124639	10/22/2024	Check	eft	Intuit			\$46.00
	124641							
El Dorado Checking	124641	10/22/2024	Check	debit	Leslie K Garrett		Uncleared	-\$1,054.80
El Dorado Checking	124641	10/22/2024	Check	debit	Leslie K Garrett			\$527.40
El Dorado Checking	124641	10/22/2024	Check	debit	Leslie K Garrett			\$527.40
	124642							
El Dorado Checking	124642	10/28/2024	Check	eft	RingCentral		Uncleared	-\$57.65
El Dorado Checking	124642	10/28/2024	Check	eft	RingCentral			\$28.80
El Dorado Checking	124642	10/28/2024	Check	eft	RingCentral			\$28.85
	124643							
El Dorado Checking	124643	10/30/2024	Check	debit	Leslie K Garrett		Uncleared	-\$588.56
El Dorado Checking	124643	10/30/2024	Check	debit	Leslie K Garrett			\$294.28
El Dorado Checking	124643	10/30/2024	Check	debit	Leslie K Garrett			\$294.28

Ja

River Pines Department Report

October 2024

Water Production/Sold

Well 2:	347,100 gallons	Total Produced:	1,489,265 gallons
Well 3R:	735,500 gallons	Total Sold:	716,769 gallons
Well 6R:	406,665 gallons	Unaccounted Loss:	48%

Regulatory Compliance Specialist

- Sending weekly reports to General Manager with completed work orders
- Completed monthly water and wastewater reporting

Wastewater

- Routine operation and maintenance
- Influent flow 987,500 gallons. Effluent Discharged 249,400 gallons.

Water Treatment / Distribution

- Routine sampling and maintenance
- One (1) leak repair

Electrical

- Staff repaired the vacuum priming unit on the #2 pump at Horseshoe Lift Station

Construction

- Emergency leak repair at Circle Tank

Staff Hours: 110.5 Water hrs. 37.5 Wastewater hrs.

Prepared by: Operations Department Staff

Reviewed by: Rick Ferriera, Operations and Engineering Manager



RIVER PINES PUBLIC UTILITY DISTRICT



8b

22900 Canyon Ave., PO BOX 70, River Pines, CA 95675
Phone: (209) 245-6723 Fax: (209) 245-5710 Email: RPPUD@RPPUD.org

AGENDA ITEM – 8b

GENERAL MANAGER’S REPORT

For the Month of October/November 2024

- 1. Distribution Reimbursement** – completed and submitted all forms for reimbursement of \$21,634.34.
- 2. Lead Line Service Report** – this is a new requirement by the State of California which was due October 6, 2024. River Pines missed this deadline. I am now required to send out a Tier 2 & Tier 3 notification to all customers informing them of this missed deadline.

AWA was not able to complete what was required for this report. They also could not complete their own systems. This requirement entails going to every single customer and taking inventory of their water line from their house to the meter. For those lines that are not up to “state standard” the District is required to supply them with a filtration system.

The state has now given me a link to apply for assistance in getting this requirement completed.

- 3. Spray Field Clearing** – this is still ongoing. With all of the sprinklers in the fields, it will take some time. Spray field 1 is complete. There are six sections.
- 4. Audit** – agreement was submitted to the auditors following the last board meeting. Waiting to hear from them on the next steps.
- 5. FEMA Grant** – still waiting on the funds from FEMA to pay for the Emigrant road/culvert repairs. I am in contact with Shenandoah Excavating on payment.
- 6. Holiday Office Hours** – office will be closed Thanksgiving Day and December 23, 2024 – January 3, 2025. Will open January 7, 2025.

1. Bank Deposits – Office Manager
2. Monthly Billing & Monthly Late Notices - GM

3. Monthly 48 Hour Notices – Office Manager (GM reviews list before submitted to AWA)
4. Agenda & Packets – Board Clerk and GM
5. Monitor Office Staff - GM
6. Liens and Releases – GM and Office Manager
7. Utility Demands – Office Manager & GM



RIVER PINES

PUBLIC UTILITY DISTRICT

2900 Canyon Ave – P.O. Box 70 – River Pines, CA 95675
(209) 245-6723
rppud@riverpinespud.org

DATE: November 20, 2024
MEETING: Regular
Attachments: Yes
Subject: Appoint New Board Members
Item: 9a

Information: River Pines Public Utility District had no one submit their interest to be on the Board with Amador County Elections Department. Therefore, there were no elections for River Pines Board positions.

There were two positions open for election. The River Pines office has received two letters of interest for the Board positions. One of those letters is from a current board member and the other is for a new board member.

The District currently has 3 seats that need to be filled – Anita Ebbinghausen, John Chapman and Eric Rewitzer who resigned in September.

Attached are the two letters of interest for the current board to review and consider for board appointment. Once selected, the Board Clerk will swear them in, and they will take their seats for this meeting.

9a

8/26/2024

Hi Rocky,

I understand there is a position opening on the River Pines Public Utility District board.

Prior to moving to River Pines, serving several years on the San Martin County Water District board, including the position of board chair, my prior experience may benefit this board. Having an interest in helping our community of River Pines grow and develop its potential I would be happy to offer my support as a potential board member.

Alan Black
PO BOX 99
River Pines, CA 95675

ga

August 22, 2024

Dear River Pines Board members:

It is with great enthusiasm and deep commitment to community service that I am submitting my letter of interest to continue to sit on the board of directors of River Pines Public Utility District. It has been my long-standing passion for this community, strong relationships, & experience that makes me a unique candidate for this role.

I am enthusiastic about the prospect of working with this group of like-minded individuals who are dedicated to making a difference and continue engaging in decisions that will be valuable to our community.

Thank you for considering my candidacy and I look forward to contributing my knowledge and confidence to further impact this board.

Best Wishes,

Anita M. Ebbinghausen
Anita M. Ebbinghausen

08. 22. 2024



RIVER PINES

PUBLIC UTILITY DISTRICT

9c

2900 Canyon Ave – P.O. Box 70 – River Pines, CA 95675
(209) 245-6723
rppud@riverpinespub.org

DATE: November 20, 2024
MEETING: Regular
Attachments: No
Subject: Water Request from Outside Service Area
Item: 9c

Information: River Pines Public Utility District went through LAFCO process to legally add and service all customers in El Dorado County that were already being served and those customers at the end of Emigrant Trail approximately five years ago. This process cost the District approximately \$20,000 to complete.

There is now 70 acres across the river on Emigrant that is asking to be added to the District for water service so that they can sell their property. There is no water in those hills to drill a well, therefore, the only water source that this property has is the River Pines Public Utility District.

Recommendation: concerns that I have is the District current water production. We have two Wells that produce approximately 30 gallons a minute, which in the summer, cannot keep up with demand. We also have Well 6R that is under the influence of ground water which requires a special filtration system that costs the District \$18,000/yr. (for filters). This Well is often taken offline due to winter contamination from the rainwater, which then the District is solely relying on Wells 2 & 3R.

Also, this is 70 acres of land. How do we control how they use their water if hooked up? If the District adds these 70 acres, then what about those Standby Lots that are already within the District's service area and have been paying their fees for future service?



RIVER PINES
PUBLIC UTILITY DISTRICT

9d

2900 Canyon Ave – P.O. Box 70 – River Pines, CA 95675
(209) 245-6723
rppud@riverpinespud.org

DATE: November 20, 2024
MEETING: Regular
Attachments: No
Subject: Distribution Project Update
Item: 9d

Information: The reduced project plans were submitted to the State approximately three weeks ago. I have followed up with our project manager and have heard nothing back.

In my submission I sent the plans and inquired if there were any contingency funds over above what funds the District was awarded.

KASL engineer has been working with the contractor on the reduced plans and trying to figure if they can adjust some line items on their bid.



RIVER PINES
PUBLIC UTILITY DISTRICT

9e

2900 Canyon Ave – P.O. Box 70 – River Pines, CA 95675
(209) 245-6723
rppud@riverpinespod.org

DATE: November 20, 2024
MEETING: Regular
Attachments: No
Subject: Managerial Consolidation
Item: 9e

Information: The studies for this consolidation have not been started. I contacted the State and AWA for an update and the State informed me that they were waiting for AWA's letter of approval. The GM at AWA informed me that his Board was waiting for a written letter of approval from the River Pines Board. AWA's Board sent a letter addressing Board Chair, Rocky Raymond and he has not responded.

If our Board is not going to respond to AWA's letter, please let me know so that I can let the state know that we will just be in the mix with all of the other District's.



RIVER PINES

PUBLIC UTILITY DISTRICT

9f

2900 Canyon Ave – P.O. Box 70 – River Pines, CA 95675
(209) 245-6723
rppud@riverpinespubd.org

DATE: November 20, 2024
MEETING: Regular
Attachments: Yes
Subject: Adopt District Guidelines for Proposition 218
Item: 9f

Information: following the last meeting of the Board's decision to redo Proposition 218 I reached out to the District's legal counsel asking for him to outline Proposition 218 for a "Water District." (Proposition 218 includes all different kinds of rate increases, not just water/sewer).

Legal counsel sent me a Memorandum outlining suggestions for a Prop. 218. He states that the State law leaves procedural gaps, so therefore, suggest that the District adopt a Resolution to fill in those gaps so there are no misconceptions through the Proposition 218 process.

In the Memorandum he suggests that District's complete a rate study in order to get a successful rate increase to pass. For the District to do a Rate Study, it will cost a minimum of \$10,000. The last Rate Study that was completed for the District was in 2014 and the District is still behind in their rates in 2024, 20 years later, then this rate study suggested where we should be. For the Proposition 218 letter, I have put together a financial table to help show the customers why this rate increase is necessary.

Because we are increasing the "water rates" we are not required to put "enclosed ballot" on the envelopes. In fact, we did everything correctly with the previous Prop. 218 except for sending the ballots to the Board Chair. Sending ballots to the Board Chair can be done in the instance of other type of rate increases, but not water/sewer.

Please note when you read the attached documents, there is room for the GM and Board to make final decisions on accepting legitimate ballots. Also note that ballots must be mailed to the property owners as they are the one's held accountable with tax rolls and property liens.

The GM must confirm the count, so I will be at the meeting on January 15, 2025.

Because Proposition 218 is so convoluted, and no one on the Board or in the office has the legal expertise to properly interpret the State's Proposition 218, I felt it important that legal counsel be involved. This will not cost the District much since he already had the Memorandum and Resolution completed for other District's that have been seeking his legal expertise.

RESOLUTION NO. 2024-03

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RIVER PINES PUBLIC UTILITY DISTRICT ADOPTING GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS IN CONNECTION WITH RATE HEARINGS CONDUCTED PURSUANT TO ARTICLE XIII D, SECTION 6 OF THE CALIFORNIA CONSTITUTION

WHEREAS, Article XIII D, Section 6 of the California Constitution requires the Board of Directors of the River Pines Public Utility District (“District”) to consider written protests to proposed increases to water rates; and

WHEREAS, this constitutional provision does not offer specific guidance as to who is allowed to submit protests, how written protests are to be submitted, or how the District is to tabulate the protests.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the River Pines Public Utility District that when notice of a public hearing with respect to the adoption or increase of water rates has been given by the District pursuant to Article XIII D, Section 6(a) of the California Constitution, the following shall apply:

SECTION 1: 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 (i) the person or persons whose name or names appear on the District’s records as the person who has contracted for, or is obligated to pay for, utility services to a particular utility account or (ii) another person who demonstrates to the reasonable satisfaction of the District that he, she or it is a tenant of real property directly liable to pay the proposed fee.
- C. “Record owner” means the person or persons whose name and address appears on the last equalized secured property tax assessment roll, or in the case of any public entity, the State of California, or the United States, means the representative of that public entity at the address of that entity known to the District.
- D. A “fee protest proceeding” is not an election, but the District will maintain the confidentiality of protests as provided below and will maintain the security and integrity of protests at all times.

SECTION 2: 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 customers of record served by the District. The District shall post the notice of proposed charges and public hearing at its official posting sites.

SECTION 3: Protest Submittal.

- A. Any customer of record or record owner who is subject to the proposed charge that is the subject of the hearing may submit a written protest to the District, by:
- Delivery to the District's office at 22900 Canyon Avenue, River Pines, CA 95675
 - Mail to the District at P.O. Box 70, River Pines, CA 95675 or
 - Personally submitting the protest at the public hearing.
- 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 actually received by the close of the hearing, whether or not mailed prior to the hearing, shall not be counted.
- C. 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 of Directors welcomes input from the community during the public hearing on the proposed charges.

SECTION 4: 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 customer of record or record owner who is submitting the protest;
 - (iii) Identity, by street address or utility account number, of the parcel with respect to which the protest is made;
 - (iv) Original signature and legibly printed name of the 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.

The withdrawal of a protest shall contain sufficient information to identify the affected parcel and the name of the customer of record or record owner who submitted both the protest and the request that it be withdrawn.

SECTION 6: Multiple Customers of Record, Multiple Record Owners, or Multiple Parcels.

- A. Each customer of record or record owner of a parcel served by the District may submit a protest. This includes instances where:
 - (i) More than one name appears on the District's records as the customer of record for the parcel, or
 - (ii) More than one name appears on the equalized secured property tax assessment roll for the parcel or
 - (iii) A parcel includes more than one record customer, or
 - (iv) Parcels are served via a single utility account, as master-metered multiple family residential units.
- B. Only one protest will be counted per parcel as provided by Government Code Section 53755(b).
- C. If more than one parcel is served by a single account, a separate protest must be submitted with respect to each such parcel in order to be separately counted.
- D. If a record owner owns multiple parcels, a separate protest must be submitted with respect to each such parcel in order to be separately counted.

SECTION 7: Transparency, Confidentiality, and Disclosure.

- A. To ensure transparency and accountability in the fee protest tabulation while protecting the privacy rights of customers of record and record owners, 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.

SECTION 8: Invalid Protests. The District shall not accept as valid any protest if it 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 customer or record owner with respect to 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 customer or record owner with respect to the parcel identified on the protest. Whether a signature is valid shall be entrusted to the reasonable judgment of the District, who may consult signatures on file with the County 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 customer of record or record owner to protest the charges.
- F. The protest was not received by the District 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.

SECTION 9: District's Decisions Final. The District'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 customers of record or record owners 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 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.

SECTION 11: Tabulation of Protests. At the conclusion of the public hearing, the District shall tabulate all protests received, including those received during the public hearing, and shall report the results of the tabulation to the Board of Directors. If the total number of protests received is insufficient to constitute a majority protest, the District 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 District may determine the absence of a majority protest without opening the envelopes in which protests are returned.

SECTION 12: Report of Tabulation. If at the conclusion of the public hearing, the General Manager determines that he or she will require additional time to tabulate the protests, he or she shall so advise the Board of Directors, which may adjourn the meeting to allow the tabulation to be completed on another day or days. If so, the Board of Directors 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 of Directors shall declare the time at which the meeting shall be resumed to receive and act on the tabulation report of the General Manager.

SECTION 13: This resolution will become effective immediately upon adoption.

* * * * *

PASSED, APPROVED AND ADOPTED by the Board of Directors of the River Pines Public Utility District this ____ day of ____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED:

ATTEST:

_____, President



9f

Candi Bingham <rppud@riverpinespod.org>

RE: Proposition 218

Gary Bell <gbell@chwlaw.us>
To: Candi Bingham <rppud@riverpinespod.org>

Wed, Nov 13, 2024 at 1:11 PM

Hi Candi – Because this is a fee for water service, the envelopes do not need to include the words “official ballot enclosed”. I can provide additional details or citations if that would be helpful.

It might be helpful for my office to review the notices and resolutions before adoption by the Board or being sent to property owners. If you'd like us to, we're available,

[Quoted text hidden]

ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL

Candi Bingham, General Manager

River Pines Public Utility District

November 12, 2024

Page 2

III. Schedule a Protest Hearing and Provide Notice

Once the District is satisfied that it has a sufficient rate study, its board passes a resolution of intent that (i) schedules a public protest hearing and (ii) directs staff to mail out written notice of that hearing.⁴

The notice for the protest hearing must be mailed out at least 45 days before the hearing takes place, and it must include the following information: (i) the proposed schedule of fees, (ii) the reason those fees will be adopted (e.g., water service), and (iii) the date, time, and location of the protest hearing.⁵

As to who must receive this notice, Proposition 218 only requires the District to mail it to the “record owner” of each parcel on which the fee will be imposed.⁶ That “record owner” is “the owner of a parcel whose name and address appears on the last equalized secured property tax assessment roll.”⁷ Alternatively, when the District only proposes to raise existing rates for an existing service, it may simply include the notice with its regular billing statements — it may mail notice to customers rather than property owners.⁸ However, since property owners and water customers are often not the same, the District must mail the notice to property owners if it wishes to retain any power it has to collect delinquent fees through a lien on the property at issue.⁹

When the District raises existing rates for an existing service, it is therefore a matter of political and business judgment as to who receives notice: property owners, customers, or both. As a matter of practice, however, we recommend sending notice to both. Providing notice to property owners preserves any authority the District has to recover delinquent fees through a lien. And customers who pay a service fee, but who are not provided notice that the fee is set to increase, may feel they are being treated unfairly and become more likely to raise formal complaints. Indeed, while majority protests to a proposed rate are rare, disputes over notice and other procedures are common. Erring on the side of providing more notice than necessary is thus usually worthwhile.

IV. Public Hearing and Protest Tabulation

The District’s board then holds a public hearing on the proposed rate increase at the time, date, and location indicated in the notice sent out pursuant to Section III above. Written protests may be submitted at or prior to this hearing. Only one protest

⁴ Cal. Const., art. XIII D, § 6(a).

⁵ Cal. Const., art. XIII D, § 6(a).

⁶ Cal. Const., art. XIII D, § 6(a)(1).

⁷ Gov. Code, § 53750(j).

⁸ Gov. Code, § 53755(a)(1).

⁹ Gov. Code, § 53755(a)(3).

9f

COLANTUONO
HIGHSMITH
WHATLEY, PC

GARY B. BELL | 916-898-0049 | GBELL@CHWLAW.US

MEMORANDUM

ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL

TO: Candi Bingham, General Manager
River Pines Public Utility District

DATE: November 12, 2024

FROM: Gary B. Bell, General Counsel

FILE NO. 48019.0001

RE: Procedures to Adopt Water Rates Under Proposition 218

As requested, we write to outline the procedures to adopt fees that are subject to Proposition 218 and its Omnibus Implementation Act.¹ The basic requirement is to hold a noticed protest hearing, at which affected persons may vote against their adoption. We find it helpful to break the process into five steps.

I. Consider Adopting Local Protest and Tabulation Guidelines

State law leaves procedural gaps the District may wish to fill with local guidelines. For example, while Proposition 218 and the Government Code both require the District to accept written protests, neither specifies how and when it must accept them.² Nor do they explain how the District must treat unsigned or otherwise incomplete protests. Local guidelines therefore reduce the legal risk of a procedural challenge if an issue arises, and they also reduce the political risk of appearing to “make up” rules in the last moment. Attached to this memo is example of guidelines our other clients have found useful.

II. Prepare a Rate Study

The cornerstone of any defensible Proposition 218 fees is a rate study, usually prepared by an independent public finance or engineering consultant. Such a study should propose rates for the District’s adoption and explain how they meet Proposition 218’s substantive requirements, which are beyond the scope of this memo.³ This is by far the longest step in the process, so we recommend beginning it several months before the District wishes to adopt new rates.

¹ Cal. Const., art. XIII D, § 6; Gov. Code, § 53750 et seq.
² Cal. Const., art. XIII D, § 6(a); Gov. Code, § 53755(b).
³ See Cal. Const., art. XIII D, § 6(b) [Prop. 218’s substantive requirements].

ATTORNEY-CLIENT PRIVILEGED AND CONFIDENTIAL

Candi Bingham, General Manager
River Pines Public Utility District
November 12, 2024
Page 3

counts per affected parcel, but this protest may be submitted by either the parcel's owner or a tenant responsible to pay the proposed fee.¹⁰ The District must count written protests in a location open to public viewing. If the District receives written protests from a majority of affected parcels (i.e., 50% plus one), the proposed rates fail. If there is no majority protest, however, the board may move to the next step described below.

If it is clear the written protests do not reach the majority threshold (for example, if there are 1,000 affected parcels, but the District only receives 20 written protests), then it is reasonable, and usually most efficient, to treat all protests as valid. However, if the number of protests approaches the majority threshold, then it may be necessary to verify that each protest is valid and that none are duplicates. This verification often takes considerable time and is therefore usually done after the initial hearing (perhaps the next day), but like the initial count it must be done in a place open to the public.

V. Board Considers the Increase

If there is no majority protest, the District's board may adopt the fee putting the rate increase into effect. This can occur at the same meeting as the protest hearing if District staff are able to confirm the absence of a protest at that time. If staff need additional time to verify each protest, or if the board otherwise wishes to postpone its decision, it can continue the item to a subsequent meeting. Whether to adopt the increase, or any part of it up to the amount that survived the protest hearing, is a discretionary decision for the board.

Thank you for the opportunity to assist. If you would like more information regarding the issues discussed in this memo, please do not hesitate to contact me.

¹⁰ Gov. Code, § 53755(b).