

**BEFORE THE BOARD OF DIRECTORS OF
THE NORTH KERN WATER STORAGE DISTRICT ACTING FOR AND ON BEHALF
OF THE ROSEDALE RANCH IMPROVEMENT DISTRICT**

IN THE MATTER OF:

RESOLUTION NO. RR23-32

**RESOLUTION OF THE BOARD CERTIFYING THE RESULTS OF A
PROPOSITION 218 ASSESSMENT BALLOT PROCEEDING AND
ADOPTING AN INCREASE IN THE
ROSEDALE RANCH IMPROVEMENT DISTRICT'S BASE SERVICE CHARGE**

WHEREAS, as authorized by the Water Storage District Law, Water Code Sections 39000 *et seq.* this Board has for many decades levied a special benefit assessment upon lands within the Rosedale Ranch Improvement District ("District"); and,

WHEREAS, said assessment, while in legal fact a special benefit assessment, has been historically referred to as the Rosedale Ranch Improvement District's Base Service Charge, and is composed of the Administrative Base Service Charge and the Project Base Service Charge; and,

WHEREAS, this Board has determined that it is necessary, appropriate, and in the best interests of the Rosedale Ranch Improvement District to increase the District's Base Service Charge; and,

WHEREAS, on January 17, 2023, the Board of Directors passed and adopted Resolution RR23-12 that, among other things, (1) outlined procedures to be used in an assessment ballot proceeding for adopting a proposed increase in the Base Service Charge, (2) adopted the Engineer's Report for Base Service Charge for Rosedale Ranch Improvement District and called for an assessment ballot proceeding, (3) scheduled the hearing for the increase in the Base Service Charge, and (4) directed District personnel to prepare and send notices and ballots for the proceedings, all in a manner that is consistent with Article XIID of the California Constitution ("Proposition 218") and Government Code sections 53750 *et seq.* ("Implementation Act"); and

WHEREAS, the District called for and held a Proposition 218 public hearing and assessment ballot proceeding on March 21, 2023; and,

WHEREAS, in accordance with the provisions of Proposition 218, the Implementation Act and District Resolution RR23-32, the ballots have been received, collected and tabulated.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE NORTH KERN WATER STORAGE DISTRICT does hereby resolve, declare and order as follows:

- 1) **Results of Ballot Tabulation.** In accordance the provisions of Proposition 218, the Implementation Act and Board Resolution RR23-32, the District’s General Manager with the assistance of Provost & Pritchard Consulting Group, oversaw the tabulation of all ballots received as further described in the “Affidavit Certifying Election Results For An Increase In the Rosedale Ranch Irrigation District Base Service Charge” which is on file with the District. The summary results of said election are as follows:

Total Ballots Mailed To Landowners:	<u>534</u>
Total Ballots Received by District:	<u>88</u>
Total Number of Ballots Rejected:	<u>1</u>
Total Number of Potential Votes:	<u>177,966,740</u>
Total Number of Votes Received:	<u>153,112,655</u>
Total Number of Votes Rejected:	<u>5,311</u>
Total Number of Votes Supporting an Increase:	<u>149,271,621</u>
Total Number of Votes Opposing an Increase:	<u>3,835,723</u>

- 2) **Imposition of Assessment.** Based upon the results listed above, which demonstrate that a majority of properly cast votes were in support of the increase in the Base Service Charge, this Board in accordance with the provisions of Proposition 218, the Implementation Act, and Resolution RR23-32, does hereby adopt an increase in the Administrative Base Service Charge assessed on all lands within the Rosedale Ranch Improvement District to \$28.25 per acre from \$24.40 per acre, and an increase in the Project Base Service Charge assessed on all developed land within the Rosedale Ranch Improvement District to \$190.02 per acre from \$4.20 per acre, effective immediately.
- 3) **Staff Direction.** In accordance with this Resolution and applicable law, this Board does hereby direct staff to take the appropriate steps necessary and appropriate to ensure the collection of the Base Service Charge as increased pursuant to this assessment ballot proceeding.

All the foregoing being on motion of Director, Glende seconded by Director, Fornoff and authorized by the following vote, to wit:

AYES: Andrew, Ackerknecht, Fornoff Glende and Camarena

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 this 21st day of March, 2023.

Witness my hand and seal of said Board of Directors this 21st day of March, 2023.



Secretary of the Board of Directors

Attachments: Exhibit A: Affidavit Certifying Election Results For An Increase In The District's Base Service Charge

Exhibit "A"

**NORTH KERN WATER STORAGE DISTRICT
AFFIDAVIT CERTIFYING ELECTION RESULTS FOR AN INCREASE IN
THE ROSEDALE RANCH IMPROVEMENT DISTRICT'S
BASE SERVICE CHARGE**

STATE OF CALIFORNIA }
COUNTY OF KERN } ss.

The undersigned, being first duly sworn, says:

That I am the General Manager of the NORTH KERN WATER STORAGE DISTRICT.

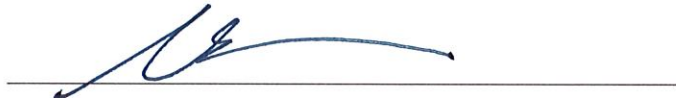
That in accordance with authority and responsibilities assigned to me by the Board of Directors in accordance with the Provisions of Article XIID of the California Constitution, the Proposition 218 Omnibus Implementation Act, and Resolution RR23-32 of the Board of Directors of the North Kern Water Storage District acting for and on behalf of the Rosedale Ranch Improvement District, I personally attest and swear upon penalty of perjury to the following:

- 1) On March 21, 2023, after the conclusion of the Public Hearing on the matter and the deadline for submission of ballots on the issue of whether the District would raise the special benefit assessment commonly referred to as the Base Service Charge, I collected all the ballots cast in preparation for tabulating the ballots.
- 2) I then proceeded to oversee the tabulation of the ballots in accordance with the provisions of Resolution RR23-32, Government Code Sections 53750 *et seq.* and Article XIID of the California Constitution.
- 3) The results of that tabulation showed the following:
 - A) The Total Number of Ballots mailed to potential voters was 534.
 - B) The Total Number of Ballots Returned was 88.
 - C) The Total Number of Ballots Rejected in accordance the provisions of Resolution RR23-32, Government Code Sections 53750 *et seq.*, and Article XIID of the California Constitution was 1.
 - D) In accordance with ballot weighing provisions of Resolution RR23-32, Government Code Sections 53750 *et seq.*, and Article XIID of the California Constitution the maximum number of potential votes was 177,966,740.

- E) The actual number of votes received during the voting time period was 153,112,655.
- F) The number of votes rejected in accordance with paragraph C above was 5,311.
- G) The number of votes cast in favor of the increase was 149,271,621.
- H) The number of votes cast against the increase was 3,835,723.
- 4) As a result of the above, voting tabulation and in accordance with the provisions of Resolution RR23-32, Government Code Sections 53750 *et seq.*, and Article XIID of the California Constitution, the increase is deemed to have passed.
- 5) The County of Kern is therefore requested and authorized under the provisions of Resolution RR23-32, to collect the increased charges authorized in said resolution effective immediately.

I CERTIFY and ATTEST under penalty of perjury that the foregoing is true and correct.

Executed at Bakersfield, California, this 21st day of March, 2023



General Manager of the North Kern Water Storage
District

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENTS

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)ss.
COUNTY OF KERN)

On March 21, 2023, before me, Christy Castaneda, a Notary Public, personally appeared A. David Hampton, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity(ies) upon behalf of which the person(s) acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL.

Christy Castaneda
NOTARY PUBLIC

(SEAL)

