

**BEFORE THE BOARD OF DIRECTORS OF  
THE NORTH KERN WATER STORAGE DISTRICT**

**IN THE MATTER OF:**

**RESOLUTION NO. 23- 97**

**RESOLUTION OF THE BOARD CERTIFYING THE RESULTS OF A  
PROPOSITION 218 ELECTION AND ADOPTING AN INCREASE IN THE  
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 District; and,

**WHEREAS**, the assessment, while in legal fact a special benefit assessment, has been historically referred to as the District's Base Service Charge; and,

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

**WHEREAS**, on July 18, 2023, the Board of Directors passed and adopted Resolution 23-73 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 North Kern Water Storage District* (the "Engineer's Report") 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; and,

**WHEREAS**, the District called for and held a Proposition 218 public hearing and assessment ballot proceeding on September 19, 2023; and,

**WHEREAS**, in accordance with the provisions of Proposition 218, the Implementation Act, and District Resolution 23-73, 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) **Election Results.** In accordance the provisions of Proposition 218, the Implementation Act and Board Resolution 23-73, the District's General Manager, with the assistance of Provost & Pritchard Consulting Group, oversaw and tabulated

all ballots received as further described in the General Manager’s “Affidavit Certifying Election Results For An Increase In The District’s Base Service Charge” which is on file with the District. The summary results of said election are as follows:

<b>Total Ballots Mailed To Landowners:</b>	<u>1,307</u>
<b>Total Ballots Received by District:</b>	<u>123</u>
<b>Total Number of Ballots Rejected:</b>	<u>0</u>
<b>Total Number of Potential Votes:</b>	<u>247,648,559</u>
<b>Total Number of Votes Received:</b>	<u>200,899,956</u>
<b>Total Number of Votes Rejected:</b>	<u>0</u>
<b>Total Number of Votes Supporting an Increase:</b>	<u>195,622,082</u>
<b>Total Number of Votes Opposing an Increase:</b>	<u>5,277,874</u>

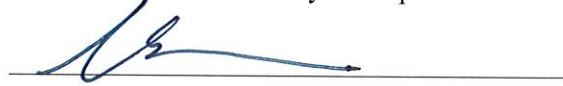
- 2) **Imposition of Assessment.** Based upon the results listed above, which demonstrate that a majority of properly cast votes were in support of the increase in the District’s Base Service Charge, this Board in accordance with the provisions of Proposition 218, the Implementation Act, and Resolution 23-73 does hereby adopt an increase the District’s Base Service Charge to \$210 per assessable acre for Class 1 lands and to \$190 per assessable acre for Class 2 lands 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 to ensure the collection of this increase in the District’s Base Service Charge.

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

AYES: Andrew, Ackerknecht, Camarena, Glende and Holtermann  
 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 19<sup>th</sup> day of September 2023.

Witness my hand and seal of said Board of Directors this 19<sup>th</sup> day of September 2023.



Secretary of the Board of Directors

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

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

STATE OF CALIFORNIA        }  
  }    ss.  
COUNTY OF KERN

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 XIII of the California Constitution, the Proposition 218 Omnibus Implementation Act, and Resolution No. 23-73 of the Board of Directors of the North Kern Water Storage District, I personally attest and swear upon penalty of perjury to the following:

- 1) On September 19, 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 District's Base Service Charge, I collected all the ballots cast in preparation for tabulating the ballots.
- 2) I then proceeded to tabulate the ballots in accordance with the provisions of Board of Directors Resolution No. 23-73, Government Code Sections 53750 *et seq.* and Article XIII of the California Constitution.
- 3) The results of that tabulation showed the following:
  - A) The Total Number of Ballots mailed to potential voters was 1,307.
  - B) The Total Number of Ballots Returned was 123.
  - C) The Total Number of Ballots Rejected in accordance the provisions of Board of Directors Resolution No. 23-73, Government Code Sections 53750 *et seq.*, and Article XIII of the California Constitution was 0.
  - D) In accordance with ballot weighing provisions of Board of Directors Resolution No. 23-73, Government Code Sections 53750 *et seq.*, and Article XIII of the California Constitution the maximum number of potential votes was 247,648,559.
  - E) The actual number of votes received during the voting time period was 200,899,956.

- F) The number of votes rejected in accordance with paragraph C above was 0.
- G) The number of votes cast in favor of the increase was 195,622,082.
- H) The number of votes cast against the increase was 5,277,874.
- 4) As a result of the above, voting tabulation and in accordance with the provisions of Board of Directors Resolution No. 23-73, Government Code Sections 53750 *et seq.*, and Article XIII 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 Board of Directors Resolution No. 23-73, 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 19th day of September, 2023



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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 September 19<sup>th</sup>, 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)

