

DEAR BOARD
MEMBERS...

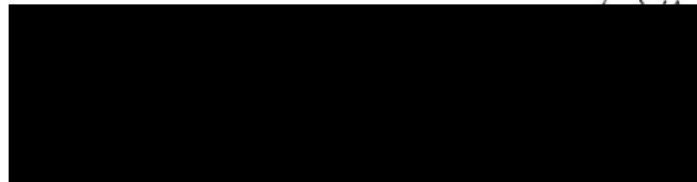
PLEASE CONFIRM
YOUR POLICY INFORMATION
the time and

PLACE WITH A

• VERBAL

Proposal Can be
approved by the
Boards of Directors
of CUWB.
Thank you over.

George
Solymar





July 18, 2023

VIA EMAIL [REDACTED]

Mr. George Solymar
[REDACTED]

Re: Crescenta Valley Water District

Dear Mr. Solymar:

I am the attorney for Crescenta Valley Water District. The District has asked me to respond to your recent questions addressed to the board of directors.

When can a VERBAL proposal be approved by the board of directors at CVWD? California's open meeting law (the Brown Act) requires a meeting's agenda to contain a brief general description of each item of business to be transacted or discussed at the meeting. With certain exceptions, no action or discussion may be undertaken on any item not appearing on the posted agenda. But neither the Brown Act nor any other law requires a written proposal. A staff report can, but need not, include a recommendation. Any member of the board can make a proposal by including it in a motion, as long as it is covered by the brief general description in the agenda. To require a board of directors to limit itself to written staff proposals would improperly restrict its ability to govern the district.

In addition, in this case, there was a written proposal. In the board meeting following the public hearing on June 13, the board requested that the staff provide options for funding capital charges by both a charge on the tax roll and bond financing. The agenda packet for the June 27 meeting contained two alternative resolutions doing just that, and it provided an analysis of different scenarios for the board to choose from. The board chose one of the options presented to it by the staff.

Why wasn't the rate increase voted on by a yes or no ballot? The voters, when they passed Proposition 218 in 1996, decided which types of actions required voter approval. The proposition says: "Except for fees or charges for sewer, water, and refuse collection services, no property related fee or charge shall be imposed or increased unless and until that fee or charge is submitted and approved by a majority vote of the property owners of the property subject to the fee or charge...." (emphasis added) Fees or charges for sewer, water, and refuse collection services go into effect unless there are written protests by a majority of property owners.

Very truly yours,

Thomas S. Bunn III

TSB/ds

cc: CVWD Board of Directors

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