

**BOARD OF DIRECTORS
SANTA CLARA VALLEY WATER DISTRICT**

RESOLUTION NO. 22-

**DETERMINING SURFACE WATER, TREATED WATER, AND SOUTH COUNTY
RECYCLED WATER CHARGES FOR FISCAL YEAR 2022–2023**

WHEREAS, the Board of Directors of the Santa Clara Valley Water District (Valley Water) does find and declare as follows:

1. That pursuant to Section 26.5 of the Santa Clara Valley Water District Act (“District Act”), a written report detailing Valley Water’s activities in the protection and augmentation of the water supplies of Valley Water, including a recommendation as to charges for surface water that should be imposed in Zones W-2, W-5, W-7, and W-8 of Valley Water during the ensuing fiscal year;
2. That on February 25, 2022, written notice was mailed to all owners and operators of water-producing facilities within Valley Water’s boundaries, advising of the proposed raw surface water charge rates to be levied, and of the opportunities to be heard concerning such charges, including the right to file a written protest objecting to any applicable proposed increase;
3. That the Governor’s Emergency Declaration related to COVID-19, and the Governor’s Executive Order N-29-20 issued on March 17, 2020, allows attendance by members of the Board of Directors, Valley Water staff, and the public to participate and conduct public meetings and hearings by teleconference, videoconference, or both;
4. That pursuant to Section 26.6 of the District Act and consistent with the Governor’s Executive Order N-29-20, on the 12th day of April 2022, at 6 p.m. via a virtual public hearing held by teleconference and videoconference, an opportunity was given to the public to comment on said report to Board members located at the Valley Water Boardroom and on video conference, and was continued for further hearing to the evening of April 14, 2022 (teleconference and videoconference) and again to the evening of April 26, 2022 (teleconference, videoconference and in-person attendance in the Valley Water Boardroom located at 5700 Almaden Expressway, San Jose), whereupon the hearing was concluded;
5. That during said public hearing, additional information and evidence was provided that was considered by the Board in making this decision;
6. That the charges established by this resolution are for the purpose of paying the cost of constructing, maintaining, and operating facilities to import water into Valley Water; paying the cost of purchasing imported water; paying the cost of constructing, maintaining, and operating facilities for groundwater recharge, surface distribution, and the purification and treatment of water; and paying the principal and interest of any bonded indebtedness or other financial obligations of Valley Water incurred for those purposes;
7. The record owners of water-producing facilities were given the opportunity to file a written protest objecting to the proposed raw surface water charge increase;

8. That this Board considered all protests objecting to the proposed raw surface water charge increases for Zones W-2, W-5, W-7, and W-8, respectively, and after the close of the hearing determined that written protests were not received from more than 50 percent of the record owners of surface water facilities in Zone W-2, W-5, W-7, and W-8; and
9. That the California Environmental Quality Act does not apply to approval of these charges pursuant to statutory exemption California Code of Regulations Title 14, Chapter 3, Section 15273, because, as identified in Valley Water’s annual report on the protection and augmentation of the water supplies of Valley Water, the charges are expressly made for the purpose of:
 - a. Meeting operating expenses, including employee wage rates and fringe benefits;
 - b. Purchasing or leasing supplies, equipment, or materials;
 - c. Meeting financial reserve needs; and
 - d. Obtaining funds for capital projects necessary to maintain service within existing service areas.

NOW, THEREFORE BE IT RESOLVED by the Board of Directors of the Santa Clara Valley Water District that the charges to be applied in fiscal year 2022–2023 (July 1, 2022–June 30, 2023) for surface-delivered water of Valley Water, for Valley Water watermaster service, and the area within which such charges shall be applied will be as follows:

1. The Basic User Charge per acre-foot for raw surface-delivered water in Zone W-2 is:

Water Other Than Agricultural	Agricultural Water
\$1,724.00	\$36.85

2. The Basic User Charge per acre-foot for raw surface-delivered water in Zone W-5 is:

Water Other Than Agricultural	Agricultural Water
\$513.00	\$36.85

3. The Basic User Charge per acre-foot for raw surface-delivered water in Zone W-7 is:

Water Other Than Agricultural	Agricultural Water
\$582.50	\$36.85

4. The Basic User Charge per acre-foot for raw surface-delivered water in Zone W-8 is:

Water Other Than Agricultural	Agricultural Water
\$368.50	\$36.85

5. The charge for watermaster service throughout Valley Water whether such service is for agricultural water or for water other than agricultural water shall be \$47.10 per acre-foot; and
6. Charges per acre-foot for surface water delivered to users in Valley Water outside of Zone W-2, Zone W-5, Zone W-7, or Zone W-8 shall be the same as those imposed within the zone to which the user's turnout is most nearly located.

BE IT FURTHER RESOLVED that upon due review of anticipated costs and revenues of Valley Water, the following rate schedule in dollars per acre-foot for the delivery of treated water is hereby established as the Contract Treated Water Charge, which is comprised of the Basic User Charge and the Treated Water Surcharge for the 2022–2023 fiscal year (July 1, 2022–June 30, 2023):

Charge	Amount
Basic User Charge	\$1,724.00
Treated Water Surcharge	<u>115.00</u>
Contract Treated Water Charge	\$1,839.00

BE IT FURTHER RESOLVED that the price to be charged per acre-foot for recycled water from the South County Regional Wastewater Authority Facility at Gilroy shall be the following for the 2022–2023 fiscal year (July 1, 2022–June 30, 2023):

Water Other Than Agricultural	Agricultural Water
\$493.00	\$64.25

PASSED AND ADOPTED by the Board of Directors of the Santa Clara Valley Water District by
the following vote on May 10, 2022:

AYES: Directors

NOES: Directors

ABSENT: Directors

ABSTAIN: Directors

SANTA CLARA VALLEY WATER DISTRICT

JOHN L. VARELA
Chair Pro Tem, Board of Directors

ATTEST: MICHELE L. KING, CMC

Clerk, Board of Directors