



*PRESS RELEASE*

*Howard Jarvis Taxpayers Association joins public in dispute with Amador Water Agency*

April 19, 2012

Along with the public and Ratepayer Protection Alliance (RPA), the Howard Jarvis Taxpayers Association (HJTA) is disputing the constitutionality of a resolution that the Amador Water Agency (AWA) Board of Directors adopted on March 8, 2012. [The resolution](#) requires protests made in accordance with Proposition 218 to be submitted on a special form provided by AWA. According to HJTA's interpretation of Prop 218, ratepayer's protests cannot be limited to AWA's form.

Prop 218 was enacted by the People of the State of California as Article 13D of the Constitution to give ratepayers protection against unfair rate increases. AWA's adopted resolution mostly formalizes the procedures used to implement Prop 218 in 2010. The one exception requires protests to be submitted on a special form provided by the Agency. Public opposition to the resolution was focused on that single provision.

"When we circulated protest forms in 2010, many ratepayers thanked us for coming to them," explained Ken Berry, one of the organizers of the protest in which 98% of the upcountry ratepayers contacted rejected a 23% rate increase. "Requiring a special form just begs for the form to be 'lost', depriving ratepayers of their Constitutional right to protest."

Unknown to the public at the March 22, 2012 meeting, at which AWA planned to start the Prop 218 process, [HJTA wrote a letter on March 20](#) supporting the public's position, saying "The interpretation which enhances taxpayers' ability to grant or withhold their consent, and which is therefore the preferred interpretation, is the one that does not limit protesters to use of the official form."

AWA Directors gave no explanation for their decision to make the protest process more difficult. They said they supported the resolution because it requires the Agency to explain the purpose of the rate increase. "You provided a two page flyer in 2010 that explained the increase, so that excuse has nothing to do with restricting people's rights," Berry observed.

Bill Condrashoff asked when the Directors authorized staff to investigate changing the P218 procedures, and the associated costs. Staff could not say how much time Kronick's firm has spent so far. Regarding authorization, Kronick pointed out that the Directors had allocated \$80,000 for unspecified legal expenses, and the General Manager has the authority to expend those funds as he sees fit. Debbie Dunn noted that so much of what is wrong in Washington and Sacramento is due to officials making bad decisions that the taxpayers have to make good later. "We need AWA Directors to look hard at reducing



P.O. Box 51  
Pine Grove, CA 95665  
info@amadorwatchdog.org  
www.amadorwatchdog.org

costs, not spend money on lawyers trying to trick the ratepayers into another unnecessary increase."

Ratepayer Protection Alliance is an unincorporated association of individuals opposed to unfair rate increases. You can find more information on how you can help stop unfair rate increases in Amador County at [www.amadorwatchdog.org](http://www.amadorwatchdog.org). Contact: Ken Berry, Tel: (209) 223-1769; [kcbgml@gmail.com](mailto:kcbgml@gmail.com).