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ORDINANCE NO. FCD _____

An ordinance of the San Bernardino County Flood Control District, State of California, to repeal Ordinance No. FCD 20-01 and to establish fees related to products and services.

The Board of Supervisors of the San Bernardino County Flood Control District, State of California, ordains as follows:

SECTION 1. Effective July 1, 2022, Ordinance No. FCD 20-01 is repealed.

SECTION 2. Effective July 1, 2022, the fees for the San Bernardino Flood Control District, State of California, shall be:

(a) Permits and permit amendments:

(1) Minor construction:

(A) Definition: utilities (parallel up to 100', site, non-parallel); general and miscellaneous; small side drain connection (maximum 4'x4' reinforced concrete box (RCB) or 48" diameter reinforced concrete pipe (RCP)); soil/geotechnical boring:

- (I) Filing fee\$371.00 (non-refundable)
- (II) Review fee (for each connection)Actual Cost
..... as described in (h) herein (non-refundable)
Review fee initial deposit \$2,700.00
- (III) Inspection fee (for each connection).....Actual Cost
..... as described in (h) herein (non-refundable)
Inspection fee initial deposit..... \$1,150.00

(2) General and miscellaneous use:

- (A) Permit amendments:
 - (I) Administrative amendment

- 1 (for each requested change).....\$252.00
2 (changes include name change, site change and time
3 extension)
- 4 (B) Confined space video inspection..... Actual Cost as described
5in (h) herein
6 Confined space video inspection initial deposit\$1,300.00
- 7 (C) Monthly land use fee for San Bernardino County Flood
8 Control District property. Minimum \$600/month for area up
9 to 1 acre. Fee prorated above 1 acre\$600.00/acre/month
- 10 (D) Long term encroachment permit:
- 11 (I) Definition: Long term encroachments are site
12 encroachments initially installed under a minor or
13 major permit but involve more permanent structures
14 such as a well site.
- 15 (II) Renewal fee (non-refundable)\$278.00
- 16 (III) Annual Inspection Fee:
17 Applicable each anniversary date for any permit
18 extending past 1 year term.
- 19 (i) Initial Site\$1,236.00
20 (ii) Each Additional Site (within one mile radius) ..\$305.00
- 21 (IV) Late fee (for annual billings)(non-refundable)\$278.00
22 plus 1.5% per month
- 23 **NOTE:** If any Long Term Encroachment Permit fees are not paid
24 when due and payable, permittee shall pay to the District an
25 additional two hundred and seventy-eight dollars (\$278.00) for each
26 fee due as an administrative processing charge. Fees not paid
27 when due shall bear interest from the date due at the rate of one
28 and one-half percent (1.5%) per month.

- 1 (E) Minor temporary ingress.....\$138.00 (non-refundable)
- 2 (3) Major construction:
- 3 (A) Filing fee.....\$834.00 (non-refundable)
- 4 (B) Review fee...Actual cost as described in (h) herein (non-refundable)
- 5 Review fee initial deposit..... \$6,800.00
- 6 (C) Inspection fee Actual cost as described in (h) herein
- 7 Inspection fee initial deposit \$3,500.00
- 8 (4) Community Benefit:
- 9 (A) Definition: Community Benefit permits are permits needed
- 10 when community groups and individuals want access to
- 11 facilities for litter removal, graffiti removal or other beneficial
- 12 reasons:
- 13 (I) Filing fee No fee
- 14 (5) Non-obstructive existing encroachment (5 year term):
- 15 (A) Definition: Non-obstructive existing encroachments are
- 16 encroachments where the encroachment does not interfere
- 17 with the operation and maintenance of the facility and has
- 18 been in existence for over 10 years:
- 19 (I) Filing fee No fee
- 20 (6) Soil removal or select disposal (goods and services):
- 21 (A) Under 50 cubic yards:
- 22 (I) Borrow\$98.00 (non-refundable)
- 23 (II) Aggregate Material for Flood protection group permits:
- 24 Definition: Aggregate Material for Flood protection
- 25 group permits are permits for community and fire
- 26 agencies who request material for sandbags and pick
- 27 up the material themselves:
- 28 (a) Filing fee No fee

- 1 (B) 50 cubic yards to 100 cubic yards:
2 (I) Borrow\$174.00 (non-refundable)
- 3 (C) 101 cubic yards to and including 10,000 cubic yards:
4 (I) Filing fee\$349.00 (non-refundable)
5 (II) Inspection fee:
6 (i) Borrow \$1.50/cu. yd. (non-refundable)
- 7 (D) Permit fees for sand and gravel removal over 10,000 cubic
8 yards shall be set by competitive market conditions as
9 determined by bids or proposals. In addition, a filing and
10 inspection fee will apply as follows:
11 (I) Filing fee\$428.00 (non-refundable)
12 (II) Inspection fee:
13 (i) Borrow Actual cost as described in
14 subdivision (h) herein
15 Inspection fee initial deposit \$2,500.00
- 16 (7) Apiary rental site on property\$1.00/colony
- 17 (A) Apiary rental site on property minimum fee \$100.00
- 18 **NOTE:** In addition to the apiary rental fee, the San Bernardino County
19 Flood Control District requires a Minor Temporary Ingress permit to be
20 obtained prior to being granted access to District property as identified in
21 Section (a)(2)(E).
- 22 (8) San Bernardino County Flood Control District land use with Board
23 of Supervisors approval:
24 (A) Filing fee\$680.00 (non-refundable)
- 25 **NOTE:** San Bernardino County Flood Control District land use permits will
26 be negotiated as leases on an individual basis. Existing land use permits
27 will be reissued as leases upon expiration of the permit.
- 28 (b) Reproduction services:

- 1 (1) Maps, exhibits and plans:
 - 2 (A) Prints \$1.00/sq. ft.
 - 3 (B) Plotting service \$1.50/sq. ft. (3 sq. ft. min.)
- 4 (2) Miscellaneous documents:
 - 5 (A) Black and white copies:
 - 6 (I) 8-1/2 inches x 11 inches \$0.10/page
 - 7 (II) 8-1/2 inches x 14 inches \$0.10/page
 - 8 (III) 11 inches x 17 inches \$0.15/page
 - 9 (B) Color copies:
 - 10 (I) 8-1/2 inches x 11 inches \$1.30/page
 - 11 (II) 8-1/2 inches x 14 inches \$1.40/page
 - 12 (III) 11 inches x 17 inches \$1.50/page
- 13 (3) Unless a different fee is authorized in this Code or by law, a fee shall be
14 charged for the scanning of architectural plans, or similar plans or
15 drawings, for the purpose of submitting electronic plans or drawings to the
16 District for plan review purposes as part of a development permit
17 application or similar application.
 - 18 (A) First scanned page \$10.00
 - 19 (B) Each additional scanned page \$5.00
- 20 (c) Flood hazard analysis \$1,536.00/report
- 21 (d) Hydrologic-climatological research \$46.00/half-hour
 - 22 (1) Transfer of data (CD/DVD) \$15.00 each
- 23 (e) Mapping services:
 - 24 (1) Digital data preparation \$23.00/quarter hour (1/4 hour min.)
 - 25 (2) Digital data on CD \$15.00/order
- 26 (f) Area drainage plan fees:
 - 27 (1) Upper Etiwanda area \$9,790.00/acre
 - 28 (2) San Sevaine Creek area \$4,405.00/acre

- 1 (3) Comprehensive Storm Drain Plan #3, Project 3-5 \$7,159.00/acre
- 2 (g) Surplus property:
- 3 (1) Application fee (non-refundable) \$1,189.00
- 4 (2) Appraisal review and administration..... Actual Cost as described
- 5 in (h) herein (non-refundable)
- 6 Appraisal review and administration fee initial deposit..... \$5,000.00
- 7 Potential purchaser will be responsible for providing all property boundary
- 8 surveys, legal descriptions and appraisals of the property. The San
- 9 Bernardino County Flood Control District will review the survey work,
- 10 prepare the grant deed and work with the Real Estate Services
- 11 Department to prepare the resolution and Board agenda item for declaring
- 12 the property surplus and seek Board of Supervisors' approval of the
- 13 transaction. These fees are in addition to the requirement that the
- 14 purchaser pay fair market value for the property.
- 15 (h) Actual cost calculation as identified in Sections (a)(1)(A)(II), (a)(1)(A)(III),
- 16 (a)(2)(B), (a)(3)(B), (a)(3)(C), (a)(6)(D)(II)(i) and (g)(2) of this ordinance.
- 17 (1) Actual cost is the sum of:
- 18 (A) The products of multiplying the time spent on the project by
- 19 the San Bernardino County Flood Control District personnel
- 20 by the applicable hourly charge rates; and
- 21 (B) Mileage charges; and
- 22 (C) Any other costs incurred by the District in processing the project.
- 23 (2) Hourly charge rates and mileage rates:
- 24 (A) Schedule of Charges:
- 25 Personnel Classification..... Hourly Rate
- 26 (I) Deputy Director..... \$233.00
- 27 (II) Ecological Resource Specialist..... \$99.00
- 28 (III) Engineer I \$105.00

1	(IV) Engineer II	\$125.00
2	(V) Engineer III	\$137.00
3	(VI) Engineer Trainee	\$78.00
4	(VII) Engineering Manager	\$211.00
5	(VIII) Engineering Technician II	\$68.00
6	(IX) Engineering Technician III	\$80.00
7	(X) Engineering Technician IV	\$101.00
8	(XI) Engineering Technician V	\$120.00
9	(XII) Equipment Operator I	\$70.00
10	(XIII) Equipment Operator II	\$74.00
11	(XIV) Equipment Operator III	\$81.00
12	(XV) Equipment Parts Specialist.....	\$88.00
13	(XVI) Fiscal Assistant.....	\$50.00
14	(XVII) Land Surveyor	\$117.00
15	(XVIII) Maintenance and Construction Supervisor I	\$86.00
16	(XIX) Maintenance and Construction Supervisor II	\$105.00
17	(XX) Maintenance and Construction Worker I.....	\$49.00
18	(XXI) Maintenance and Construction Worker II.....	\$65.00
19	(XXII) Office Assistant II.....	\$40.00
20	(XXIII) Office Assistant III.....	\$55.00
21	(XXIV) Planner I	\$82.00
22	(XXV) Planner II	\$92.00
23	(XXVI) Planner III.....	\$128.00
24	(XXVII) Public Service Employee	\$18.00
25	(XXVIII) Public Works Arborist.....	\$105.00
26	(XXIX) Public Works Operations Supt	\$147.00
27	(XXX) Public Works Operations Supvsr	\$108.00
28	(XXXI) Secretary I	\$65.00

1	(XXXII) Secretary II	\$71.00
2	(XXXIII) Staff Analyst II.....	\$104.00
3	(XXXIV) Supervising Engineer	\$170.00
4	(XXXV) Supervising Land Surveyor	\$153.00
5	(XXXVI) Supervising Planner	\$139.00
6	(B) Mileage charges	\$0.96/mile

(3) Deposits for Developer Deposit Accounts and Project Trust Accounts:

An initial deposit is required for each actual cost service or process. The initial deposit is as specified in this ordinance. If no amount is specified, the initial deposit is the San Bernardino County Flood Control District's initial estimate of the actual cost of the service or process. The San Bernardino County Flood Control District may revise its estimate at any time during the processing of the service or process. If a revised estimate is higher than a previous estimate, the San Bernardino County Flood Control District may require an additional deposit. Notice of any required additional deposit shall be mailed (including email) to the applicant. The notice shall include the date by which the deposit must be made and shall inform the applicant that unless provision for payment is made by the date specified, the application will be deemed denied without prejudice, without further action by the San Bernardino County Flood Control District. Any such denial without prejudice is not appealable. Each estimate shall be the result of a good faith attempt to determine the probable actual cost of the service or process based on the nature of the project, the District's experience in processing similar services or processes, and applicable rates. In addition, the Flood Control Engineer or designee has the authority, with agreement of the applicant, to increase or decrease the required initial deposit amounts based on the complexity of the service or process. Initial deposits or any additional deposits for all services or

processes related to a project shall be placed and combined into a Project Trust Account. Such combined deposited funds will be utilized as the source of payment for any flat fee service, security deposit, or actual cost service on that project. In addition, deposits may also be placed in a Developer Deposit Account. Deposited funds in a Developer Deposit Account may be used by an individual or entity to fund various Project Trust Accounts.

(4) Applicant's obligation to pay actual cost:

The applicant shall pay the actual cost of the project, regardless of any estimate; except that the applicant is not obligated for costs incurred after the applicant delivers to the San Bernardino County Flood Control District either an unconditional written withdrawal of the application, or a written notice to stop work which includes a waiver of any applicable time limits for processing the application.

(i) Returned check fee:

- (1) A fee of \$25.00 per item shall be charged for each negotiable item returned unpaid by the drawn financial institution for any reason, including, but not limited to, non-sufficient funds or closed accounts.

(j) Waiver/refund of fees:

- (1) Except as otherwise provided by law, the San Bernardino County Flood Control District Board of Supervisors, by Board action, can waive, defer payment of, or refund any fee set forth in this ordinance or any other fee levied by the Flood Control District provided one of the following conditions is met:

- (A) The service for which the fee was levied has not and will not be performed; or
- (B) The fee was collected in error; or
- (C) For other good cause shown, provided such waiver/refund would

- 1 serve a San Bernardino County Flood Control District purpose.
- 2 (2) In the event of a disaster, or other good cause shown to serve a San
- 3 Bernardino County Flood Control District purpose, the Chief Flood Control
- 4 Engineer may defer payment of, waive, or refund any fee set forth in this
- 5 ordinance or any other fee levied by the San Bernardino County Flood
- 6 Control District provided all of the following conditions are met:
- 7 (A) Exigent conditions exist whereby obtaining Board approval of the
- 8 fee waiver/refund/deferral would not be immediately feasible; and
- 9 (B) The San Bernardino County Flood Control District receives
- 10 concurrence from the County Chief Executive Officer.
- 11 (3) The Chief Flood Control Engineer, or designee, may refund any fee or
- 12 deposit set forth in this ordinance provided one of the following conditions
- 13 is met:
- 14 (A) The service for which the fee or deposit was levied has not and will
- 15 not be performed; or
- 16 (B) The fee or deposit was collected in error; or
- 17 (C) Unused deposit monies remain on actual cost projects when all
- 18 charges for the project have been recorded.
- 19 (4) As set forth in California Government Code section 6103, the state and
- 20 any county, city, district, or other political subdivision, are exempt from
- 21 those filing fees and administrative amendment fees specified in the
- 22 preceding Sections (a)(1)(A)(I), (a)(2)(A)(I), (a)(1)(D)(II), (a)(3)(A),
- 23 (a)(4)(A)(I), (a)(5)(A)(I), (a)(6)(A)(II)(a), (a)(6)(C)(I), (a)(6)(D)(I), and
- 24 (a)(8)(A). Unless otherwise expressly exempted by law, any county, city,
- 25 district, or other political subdivision shall be subject to all fees set forth
- 26 herein, including but not limited to, Section (g). The state may be
- 27 additionally exempt from fees pursuant to California Government Code
- 28 sections 6103 and 6103.7.

SECTION 3. This ordinance shall take effect thirty (30) days from the date of adoption.

CURT HAGMAN, Chairman
Board of Supervisors

SIGNED AND CERTIFIED THAT A COPY
OF THIS DOCUMENT HAS BEEN DELIVERED
TO THE CHAIRMAN OF THE BOARD

LYNNA MONELL, Clerk of the
Board of Supervisors of the San Bernardino
County Flood Control District

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN BERNARDINO)

I, LYNNA MONELL, Clerk of the Board of Supervisors of the San Bernardino County Flood Control District, State of California, hereby certify that at a regular meeting of the Board of Supervisors of said Flood Control District, held on the ____ day of _____, 2022, at which meeting were present: _____

and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to wit:

AYES: SUPERVISORS:

NOES: SUPERVISORS:

ABSENT: SUPERVISORS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Board of Supervisors this ____ day of _____, 2022.

LYNNA MONELL, Clerk of the
Board of Supervisors of the
San Bernardino County Flood Control District,
State of California.

Deputy

Approved as to Form:

TOM BUNTON
County Counsel

By: _____
JOLENA E. GRIDER
Deputy County Counsel

Date: _____