

RESOLUTION NO. 2026-36

RESOLUTION OF THE BOARD OF SUPERVISORS OF SAN BERNARDINO COUNTY, STATE OF CALIFORNIA, ACTING IN ITS CAPACITY AS THE GOVERNING BODY OF ALL COUNTY SERVICE AREAS AND THEIR ZONES PROVIDING WATER AND SANITATION SERVICES, DECLARING ITS INTENT TO INITIATE PROCEEDINGS PURSUANT TO ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION (PROPOSITION 218) AND GOVERNMENT CODE SECTIONS 53759 THROUGH 53759.2 (ASSEMBLY BILL 2257), SCHEDULING A PUBLIC HEARING, AND ESTABLISHING PROCEDURES FOR SUBMISSION AND CONSIDERATION OF WRITTEN OBJECTIONS AND PROTESTS TO PROPOSED WATER AND SANITATION SERVICE CHARGE ADJUSTMENTS

On Tuesday April 7, 2026, on motion of Supervisor Baca, Jr., duly seconded by Supervisor Hagman and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, the Department of Public Works – Special Districts, Water and Sanitation Division (Department), operates and administers various Board-governed County Service Areas and their Zones (Districts) that provide water and sanitation services within the unincorporated county; and

WHEREAS, these systems require ongoing funding to support operations, maintenance, infrastructure repair and replacement, regulatory compliance, and long-term capital planning; and

WHEREAS, the cost of providing water and wastewater services has increased due to inflation, labor and material cost increases, and evolving regulatory requirements; and

WHEREAS, Article XIII D of the California Constitution (Proposition 218) requires that property-related fees and charges, including water and sewer service charges, not exceed the reasonable cost of providing the service and establishes procedures for the adoption or increase of such charges; and

WHEREAS, Proposition 218 requires that property owners and customers of record subject to a proposed property-related fee or charge be provided written notice and an opportunity to submit written protests prior to adoption of the proposed charge; and

WHEREAS, the Department, in consultation with a qualified consultant, prepared a Water and Sewer Rate Study Report evaluating the cost of providing water and wastewater services within the applicable Districts and recommending updated service charges consistent with Proposition 218 requirements; and

WHEREAS, Assembly Bill 2257, signed into law in 2024, added Government Code sections 53759.1 and 53759.2 (AB 2257), which clarify procedures for submitting written objections and establish exhaustion-of-administrative-remedies requirements for legal challenges to property-related fees and charges; and

WHEREAS, Government Code section 53759.1 authorizes a local agency to require that any person wishing to challenge a proposed fee or charge first submit a timely written objection identifying the grounds for alleged noncompliance; and

WHEREAS, Government Code section 53759.1 further requires that the local agency review and respond in writing to timely submitted objections and present the written objections and agency responses to the governing body prior to or during the public hearing; and

WHEREAS, Government Code section 53759.1 provides that failure to submit a timely written objection may limit or bar subsequent legal challenges to the fee or charge and may limit such challenges to issues raised in the written objection; and

WHEREAS, Government Code section 53759 establishes a 120-day statute of limitations for judicial actions challenging the adoption of property-related fees or charges; and

WHEREAS, the Board of Supervisors desires to initiate proceedings to consider proposed adjustments to water and sanitation service charges for the applicable Districts and to ensure full compliance with Proposition 218 and Government Code sections 53759 through 53759.2.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of San Bernardino County, acting as the governing body of all County Service Areas and their Zones that provide water and sanitation services hereby finds, determines, and orders as follows:

SECTION 1. Intent to Initiate Proposition 218 and AB 2257 Proceedings

The Board hereby declares its intent to initiate proceedings pursuant Proposition 218 and Government Code sections 53759 through 53759.2 to consider proposed adjustments to water and sanitation service charges for the applicable Board-governed County Service Areas and their Zones.

SECTION 2. Public Hearing

A public hearing is hereby to be scheduled for June 9, 2026, at 10:00 a.m., or as soon thereafter as practicable, in the Covington Chambers, First Floor, 385 North Arrowhead Avenue, San Bernardino, California, to consider the proposed water and sanitation service charge adjustments.

At the public hearing, the Board shall:

- Consider the proposed water and sanitation service charge adjustments;
- Consider written objections and the County's written responses submitted pursuant to Government Code sections 53759.1 and 53759.2;
- Receive and tabulate written protests submitted by property owners or customers of record;
- Determine whether a majority protest exists pursuant to Proposition 218; and
- Consider the introduction of an ordinance implementing the proposed water and sanitation service charge adjustments, if no majority protest exists.

SECTION 3. Mailing of Proposition 218 and AB 2257 Notice

The Department is hereby directed to mail a Proposition 218 Notice of Public Hearing to property owners of record and customers of record subject to the proposed service charges not less than forty-five (45) days prior to the public hearing, in accordance with Proposition 218 and AB 2257.

The notice shall include:

- The amount of the proposed service charges;
- The basis on which the rates or charges are calculated;

- The reason for the fee or charge;
- The date, time and place of a public hearing to consider the rate adjustments;
- Instructions for submitting written protests; and
- Instructions and deadlines for submitting written objections pursuant to Government Code section 53759.1.

SECTION 4. Written Basis for Charges

The written basis for the proposed charges, including the Water and Sewer Rate Study Report, shall be made available to the public and posted on the Department's website, and shall be provided by mail upon request in accordance with Government Code section 53759.1.

SECTION 5. Written Objections Pursuant to AB 2257

Pursuant to Assembly Bill 2257 and Government Code sections 53759.1 and 53759.2, the County shall follow the procedures set forth in Government Code section 53759.1 for the submission and consideration of written objections to the proposed water and sanitation service charges.

Any person who wishes to object to the proposed water and sanitation service charges must submit a written objection to the County prior to the deadline established in the Proposition 218 Notice of Public Hearing, and any judicial action or proceeding challenging the proposed charges shall be subject to the requirements set forth in Government Code sections 53759.1 and 53759.2.

To comply with Government Code section 53759.1, the County shall implement the following procedures as part of the Proposition 218 proceedings:

1. Objection Deadline.

A deadline for submission of written objections shall be established that is not less than forty-five (45) days after the Proposition 218 notice is mailed. Written objections must be received by the County no later than May 26, 2026.

2. Public Availability of the Written Basis for Charges.

The proposed water and sanitation service charges and the Water and Sewer Rate Study Report, which constitutes the written basis for the proposed charges, shall be made available to the public no less than forty-five (45) days prior to the objection deadline.

3. Website Posting.

The Department shall post the Water and Sewer Rate Study Report and the Proposition 218 Notice of Public Hearing on the Department's website, and the notice shall include a link to the Rate Study.

4. Availability by Mail Upon Request.

The Department shall mail a copy of the Water and Sewer Rate Study Report to any property owner or customer of record upon request.

5. Submission of Written Objections.

Property owners or customers of record shall have at least forty-five (45) days to review the proposed water and sanitation service charges and submit a written objection identifying the grounds for alleging noncompliance with Proposition 218 or other applicable law by the date set forth in the mailed written notice.

6. Notice Requirements.

The Proposition 218 written notice shall prominently include:

- a. A statement that all written objections must be submitted by the deadline established in the notice and that failure to timely submit a written objection may bar any right to challenge the proposed water and sanitation service charges in court, and that any such legal challenge may be limited to the issues identified in the written objection; and
- b. A description of the substantive and procedural requirements for submitting a valid written objection.

7. Consideration of Written Objections.

Prior to or during the public hearing, the Board shall consider all timely submitted written objections, and the Department shall prepare and present to the Board written responses addressing those objections for its consideration and determinations. The written responses shall explain the substantive basis for retaining or modifying the proposed water and sanitation service charges in response to the objections.

In exercising its legislative discretion, the Board may determine whether:

- a. The written objections and the Department responses warrant clarification of the proposed charges;
- b. The proposed charges should be reduced;
- c. Additional review of the proposed charges is necessary prior to adoption; or
- d. The Board should proceed with the public hearing and, absent a majority protest, adopt the proposed charges.

If the County adopts the proposed water and sanitation service charges in compliance with Government Code section 53759.1, no person may bring a judicial action or proceeding alleging that the charges do not comply with the California Constitution or other applicable law unless that person submitted a timely written objection specifying the grounds for alleged noncompliance. Any such legal challenge shall be limited to the issues raised in the written objection unless a court determines that the issue could not reasonably have been raised in the objection.

In addition to submitting written objections, Proposition 218 permits property owners and customers of record to submit written protests to the proposed water and sanitation service charges until the close of the public hearing. While both property owners and customers of record may submit protests, only one protest per parcel shall be counted for purposes of determining whether a majority protest exists.

Written objections must:

- Be submitted by the deadline established in the Proposition 218 notice (May 26, 2026);
- Identify the parcel or service address subject to the proposed charges; and
- Specify the grounds for alleging noncompliance with Proposition 218 or other applicable law.

Written objections must be submitted separately and independently from written protests. Written objections must be received by the County no later than May 26, 2026, which is the deadline established in the mailed Proposition 218 notice. In contrast, written protests may be submitted at any time up to the close of the public hearing, as provided in Section 8 of this Resolution.

SECTION 6. Review and Response to Objections

The Department shall review all timely submitted written objections and prepare written responses addressing the objections. The written objections and the County's written responses shall be presented to the Board as part of the administrative record prior to or during the public hearing and before the close of the public hearing.

SECTION 7. Administrative Record

The Clerk of the Board, in coordination with the Department, shall maintain the administrative record for the proceedings, including:

- This Resolution;
- The mailed notices;
- The rate study and written basis for the proposed charges;
- Written objections;
- Written responses to objections;
- Written protests to objections;
- Department staff reports; and
- All materials presented to the Board.

SECTION 8. Majority Protest Procedure

At the public hearing, the Board shall receive and tabulate any and all written protests submitted by property owners or customers of record. If written protests are submitted by a majority of the parcels subject to the proposed charges, the proposed service charges shall not be adopted. If no majority protest exists, the Board may proceed with the ordinance process to implement the proposed service charge adjustments.

SECTION 9. Exhaustion of Administrative Remedies

Pursuant to Government Code section 53759.1, failure to submit a timely written objection in accordance with the procedures described in the mailed notice may limit or bar any subsequent

judicial challenge to the proposed charges and may limit such challenges to issues raised in a valid written objection.

SECTION 10. California Environmental Quality Act (CEQA)

The Board of Supervisors has reviewed this action for compliance with the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et seq.) and the State CEQA Guidelines. The Board finds that the action taken by this Resolution is not a "project" within the meaning of Public Resources Code section 21065 and State CEQA Guidelines section 15378(b)(4) because it involves the establishment or modification of rates and charges by a public agency.

The Board further finds that, even if the action were considered a project, it is exempt from CEQA pursuant to Public Resources Code section 21080(b)(8) and State CEQA Guidelines section 15273, as it involves the establishment or modification of rates and charges for the purpose of meeting operating expenses and maintaining services within existing service areas.

SECTION 11. Implementation

The Board authorizes the Clerk of the Board, in coordination with the Department of Public Works, to take any actions necessary and appropriate to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Board of Supervisors of San Bernardino County, State of California, by the following vote:

AYES: SUPERVISORS: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

NOES: SUPERVISORS: None

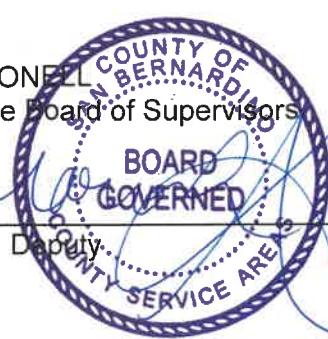
ABSENT: SUPERVISORS: None

* * * * *

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, **LYNNA MONELL**, Clerk of the Board of Supervisors of San Bernardino County, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of April 7, 2026. #43 MBA

LYNNA MONELL
Clerk of the Board of Supervisors

By  

Deputy