

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS OF THE SAN BERNARDINO COUNTY FLOOD CONTROL DISTRICT AND RECORD OF ACTION

April 7, 2020

FROM

BRENDON BIGGS, Interim Chief Flood Control Engineer, Flood Control District

SUBJECT

Introduction of an Ordinance Related to the 2020-21 Recommended Flood Control District Fees

RECOMMENDATION(S)

CONTINUED FROM TUESDAY, MARCH 24, 2020, ITEM NO. 76:

Acting as the governing body of the San Bernardino County Flood Control District (District):

1. Conduct a public hearing on recommended ordinance that repeals District Ordinance No. FCD 19-01 (2019 District Fee Ordinance), which established the District's current fees, and adopts the new 2020 District Fee Ordinance that sets forth the fees to be charged by the District on and after July 1, 2020 for its various products and services.
2. Make alterations, if necessary, to recommended ordinance, including:
 - a. Amend Section (J)(2) Waiver/Refund of Fees to include language to defer payment, eliminate the fee cap associated with the waiving of fees other than by the Board of Supervisors in the event of a disaster or other good cause shown to serve a public purpose, and to require approval by the County Chief Executive Officer, when obtaining Board of Supervisors' approval is not immediately feasible.
3. Approve introduction of recommended ordinance.
4. Read the title only for recommended ordinance that repeals the existing 2019 District Fee Ordinance and adopts the 2020 District Fee Ordinance that sets forth the fees to be charged by the District on and after July 1, 2020 for its various products and services; waive reading of the entire text and SCHEDULE FOR FINAL ADOPTION ON TUESDAY, APRIL 21, 2020 on the Consent calendar.

(Presenter: Brendon Biggs, Interim Chief Flood Control Engineer, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Improve County Government Operations.

Operate in a Fiscally-Responsible and Business-Like Manner.

FINANCIAL IMPACT

Approval of this item will have no impact on Discretionary General Funding (Net County Cost) as this will allow the District to establish a fee structure in order to recover costs associated with providing product and services to the public. Fees for the District are estimated to generate approximately \$1.5 million in revenue for 2020-21.

BACKGROUND INFORMATION

On an annual basis, the District introduces a fee ordinance to the Board of Supervisors (Board), which typically includes fee revisions, the deletion of fees, and the addition of new fees. This item will authorize the actions necessary to repeal the existing 2019 District Fee Ordinance and

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establish the 2020 District Fee Ordinance that sets forth the fees to be charged by the District on and after July 1, 2020 for its various products and services, in order to recover the District's costs. This action is aligned with the Board's Goals and Objectives by ensuring all fee amounts are accurate and reasonable, allowing the District to operate in a fiscally-responsible and business-like manner.

On April 2, 2019 (Item No. 39), the Board adopted the 2019 District Fee Ordinance that established the District's current fees. The District's fees represent the estimated cost of providing various products and services.

As part of the District's annual fee review, staff reviewed the 2019 District Fee Ordinance and is proposing revisions to incorporate into the 2020 District Fee Ordinance. Following is a summary of some of the more notable changes:

- The Schedule of Charges hourly rates were updated to reflect new classifications replacing deleted classifications due to the Board-approved reorganization of the Public Works Engineer series.
- A majority of the hourly classification rates are increasing slightly due to an increase in the indirect cost rate and anticipated changes due to Board-approved memorandum of understanding (MOU) revisions and/or equity adjustments.
- Initial deposits for a Soil Removal Inspection and Surplus Property Appraisal Review and Administration are increasing to more accurately reflect the average cost associated with performing these services.

On February 25, 2020, a fee workshop with the Board was conducted to discuss the 2020-21 proposed fees. Since the presentation of the District's fees at this workshop, no revisions have been made. In response to the current COVID-19 pandemic, a revision to District Fee Ordinance Section (J)(2) Waiver/refund of fees is recommended to allow the Chief Flood Control Engineer to defer payment of, waive, or refund any fee in the event of a disaster, or other good cause shown to serve a public purpose if the following conditions are met:

1. Exigent conditions exist whereby obtaining Board approval of the fee waiver/refund/deferral would not be immediately feasible; and
2. The Chief Flood Control Engineer receives concurrence from the County Chief Executive Officer.

This proposed language change eliminates the \$3,000 fee amount threshold, offers the ability to defer payment, and requires concurrence by the County Chief Executive Officer.

In accordance with Government Code Section 66016, a public hearing must be conducted prior to the approval of fees. The effective date of the new fees will be July 1, 2020.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Scott M. Runyan, Deputy County Counsel, 387-5455 and Kenneth Hardy, Supervising Deputy County Counsel, 387-5401) on March 25, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222 and Wen Mai, Principal Administrative Analyst, 387-4020) on March 25, 2020; and County Finance and Administration (Kelly Welty, Deputy Executive Officer, 387-4376) on March 25, 2020.

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Record of Action of the Board of Supervisors
San Bernardino County Flood Control District

Hearing Opened
Public Comment: None
Hearing Closed

APPROVED

Moved: Dawn Rowe Seconded: Janice Rutherford
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: April 7, 2020



cc: File-Flood Control/Continue to Final 4/21/20
jrh 04/28/2020