

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF BOARD GOVERNED COUNTY SERVICE AREAS  
AND RECORD OF ACTION**

August 5, 2025

**FROM**

**NOEL CASTILLO, Director, Department of Public Works – Special Districts**

**SUBJECT**

Various Actions Pertaining to the Bloomington Sewer Expansion Project

**RECOMMENDATION(S)**

Acting as the governing body of County Service Area 70, Zone BL (Bloomington):

1. Find that the Bloomington Sewer Expansion Project in the Bloomington area is exempt under the California Environmental Quality Act Guidelines, title 14 of the California Code of Regulations Section 15303(d) Class 3 (construction or installation of small new equipment).
2. Approve **Contract No. 25-630** for Extension of Electric Distribution Line Rule 15 with Southern California Edison, including non-standard terms, for extension of electric distribution line, in the amount not to exceed \$2,405.51, for a sewer flow meter located on Valley Boulevard, in the Bloomington area.
3. Authorize the Director of the Department of Public Works to electronically execute the contract in Recommendation No. 2 with Southern California Edison and any non-substantive amendments, subject to County Counsel review.
4. Adopt **Resolution No. 2025-181**, as required by the State Water Resources Control Board, rescinding only that portion of Resolution No. 2023-128, adopted by the Board of Supervisors on July 11, 2023, Item No. 48, which states, "*Whereas, the financial assistance shall not exceed (\$1,000,000) for the Project,*" due to an increase in the project's estimated cost and the updated funding requirements of the California State Water Resources Control Board, with all other portions of Resolution No. 2023-128 to remain in full force and effect, increasing the financial assistance application not-to-exceed amount by \$50,000, and authorizing submittal of a financial assistance application for a new total not-to-exceed amount of \$1,050,000, for the planning, design, and environmental phase of the Bloomington Sewer Expansion Project in Bloomington.
5. Authorize the Director of the Department of Public Works to sign and submit the financial assistance application, in the total not-to-exceed amount of \$1,050,000, for the planning, design, and environmental phase of the Bloomington Sewer Expansion Project in Bloomington.
6. Direct the Director of the Department of Public Works to transmit the fully executed copy of the contract with Southern California Edison, any subsequent, non-substantive amendments in relation to the contract, and the financial assistance application for the Bloomington Sewer Expansion Project, to the Clerk of the Board of Supervisors within 30 days of execution.
7. Direct the Department of Public Works – Special Districts to file the Notice of Exemption in accordance with the California Environmental Quality Act.

(Presenter: Noel Castillo, Director, 387-7906)

**Various Actions Pertaining to the Bloomington Sewer Expansion Project**  
**August 5, 2025**

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

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

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

**Provide for the Safety, Health and Social Service Needs of County Residents.**

**FINANCIAL IMPACT**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Department of Public Works – Special Districts (Department) is seeking financial assistance in an amount not-to-exceed \$1,050,000 from the State Water Resources Control Board (SWRCB) under the Clean Water State Revolving Fund (CWSRF) for the County Service Area 70, Zone BL (Bloomington) (the District) Sewer Expansion Project (Project). The funding, which requires no matching funds, would be used for the Project's planning, design, and environmental costs, along with the cost of prepare a separate application for construction funding.

If the application is successful, the Department will return to the Board of Supervisors (Board) for acceptance of the final assistance award and approval of the financing for the contract and any related budget adjustments.

The appendices to the Southern California Edison (SCE) contract provide the District with refundable options of \$3,519.49 or a discount option of \$2,405.51 for construction of the line extension. The refundable option is selected when it is anticipated that other SCE customers will tie into the line extension, thereby generating a refund to the District. However, the District has selected the discount option at a cost of \$2,405.51 since the area is developed and a connection to this line extension may be unlikely.

**BACKGROUND INFORMATION**

The District was formed on November 19, 2013 (Item No. 83), for the purpose of providing sewer service to an area of Bloomington along the north side of Interstate 10, near the cities of Fontana and Rialto. The Project will be designed and constructed in several phases as funding becomes available and consists of improving the environment and public health by installing infrastructure for the conversion from septic-to-sewer in the Bloomington area. Improvements are expected to include up to three miles of new sewer pipeline to capture sewer flows from over 350 parcels within the District.

On April 8, 2025 (Item No. 62), the Board approved Memorandum of Understanding No. 25-205 with Southern California Association of Governments to receive funding from the Regional Early Action Plan Grant Program of 2021 for Phase I of the Project.

On July 11, 2023 (Item No. 48), the Board approved and authorized the submission of a financial assistance application for Phase II of the Project to the SWRCB under the CWSRF grant and adopted Resolution No. 2023-128, which included approval of a funding request not-to-exceed \$1,000,000. Upon Board approval, the Department submitted the financial assistance application to the SWRCB. That application was submitted following Board approval, and the SWRCB is now finalizing the project package and contract documents.

Since the Board's July 11, 2023 (Item No. 48) approval, the total estimated cost for the planning, design, and environmental phase of the Project has increased by \$50,000. The SWRCB has advised that a revised authorizing resolution is required to reflect the updated not-to-exceed amount of \$1,050,000 before they can proceed with contract preparation for the

**Various Actions Pertaining to the Bloomington Sewer Expansion Project**  
**August 5, 2025**

additional total requested financial assistance amount. Accordingly, approval of the recommended Resolution rescinding the previous financial assistance not to exceed amount of \$1,000,000 in Resolution No. 2023-128 ensures compliance with SWRCB funding requirements and allows the Project to move forward with the updated total project cost amount. All other portions of Resolution No. 2023-128 will remain unchanged and in effect.

Approval of this item will also allow the District to enter into a Contract for Extension of Electric Distribution Line Rule 15 (Contract) with SCE for SCE's extension of electric distribution lines to energize a flow meter located in Valley Boulevard. The flow meter will provide data necessary for the design of Phase I and Phase II, as well as other phases of the Project including the creation of a Sewer Master Plan required for the funding of Phase II.

The Department has requested SCE to install an electric distribution line extension to energize the flow meter. The Contract is SCE's standard contract for extensions of electric distribution lines, which is on file with the California Public Utilities Commission (CPUC). SCE requires this Contract and its appendices to be executed by the District under SCE's Rule 15. This Contract delineates each party's responsibilities in relation to the extension of electric distribution lines and is based on SCE's contract for electric distribution line extensions and contains the following omitted or additional terms that differ from the County's standard terms and conditions:

1. The District is required, at its own cost, to defend, indemnify, and hold harmless SCE, its officers, agents, employees, assigns and successors in interest from and against any and all liability, damages, losses, claims, demands, actions, causes of action, costs including attorney's fees and expense, or any of them, resulting from the death or injury to any person or damages to any property caused by District or its contractor and employees, officers or agents of District or contractor, arising out of the performance of nonperformance of their obligations under the Contract.
  - The County standard contract does not include any indemnification or defense by the District of a Contractor.
  - Potential Impact: By agreeing to indemnify SCE, the District could be contractually waiving the protection of sovereign immunity. Claims that may otherwise be barred against the District, time limited, or expense limited could be brought against SCE without such limitations and the District would be responsible to defend and reimburse SCE for costs, expenses, and damages, which could exceed the total contract amount.
2. The Contract does not require SCE to indemnify the District.
  - The County standard contract indemnity provision requires contracting parties to indemnify, defend, and hold the District harmless from third party claims arising out of the acts, errors, or omissions of any person.
  - Potential Impact: SCE is not required to defend, indemnify, or hold the District harmless from any claims, including indemnification for claims arising from their negligent or intentional acts and intellectual property infringement. If the District is sued for any claim, the District may be solely liable for the costs of defense and damages, which could exceed the total contract amount.
3. The Contract does not require SCE to meet the County's insurance standards as required pursuant to County Policy 11-07.
  - The County Policy requires contracting parties to carry appropriate insurance at limits and under conditions determined by the County's Risk Management Department and set forth in the County standard contract.

**Various Actions Pertaining to the Bloomington Sewer Expansion Project**  
**August 5, 2025**

- Potential Impact: The Contract does not include County standard insurance requirements. This means that the County has no assurance that SCE will be financially responsible for claims that may arise and result in expenses to the District that exceed the total contract amount.
4. There is no termination for convenience in the Contract. If at any time during the term of this Contract, SCE is not the sole deliverer of electrical requirements for the Project, the Contract may be terminated. Upon termination of the Contract, the District agrees to forfeit that portion of any advance paid to SCE for its expenses covering any engineering, surveying, right of way acquisition and other associated work incurred by SCE. If such expenses are greater or less than the refundable and/or non-refundable advance, the District shall pay to SCE, or SCE shall refund the balance to the District, without interest, as the case may be.
- The County standard contract gives the District the right to terminate the contract, for any reason, with a 30-day written notice of termination without any obligation other than to pay amounts for services rendered and expenses reasonably incurred prior to the effective date of termination.
  - Potential Impact: District can only terminate the Contract if SCE is not the sole deliverer of electrical requirements for the Project or during the term of an uncured breach. Any attempted termination by the District without cause would result in payment liability for the full contract amount, which could result in payment liability where no funds are available due to the lack of allocation or loss of funding.

The Department recommends approval of the Contract, including the non-standard terms, to allow this critical infrastructure project to move forward without delay. The flow meter installation authorized by this Contract is vital to the timely planning and design of all phases of the Project, which is expected to significantly improve public health and environmental conditions in the Bloomington area. Delaying execution of the Contract could jeopardize the project schedule, undermine compliance with grant requirements, and risk the loss of external funding. Considering the relatively low contract amount (\$2,405.51) and the limited, one-time scope of work, the potential risks are outweighed by the substantial public benefit and long-term value of the Project.

The appendices to the Contract provide the District with a refundable option of \$3,519.49 or a discount option of \$2,405.51 for the construction of the line extension. The refundable option is selected when it is anticipated that other SCE customers will tie into the line extension, thereby generating a refund to the District. However, the District has selected the discount option at a cost of \$2,405.51 since the area is developed and a connection to this line extension may be unlikely.

SCE's requirement is to be the final signatory on the Contract. As a result, the Contract must be executed by the County first and then returned to SCE for final execution. To ensure timely processing and compliance with Board policies, the Contract will be executed under delegated authority granted to the Director of the Department and returned to the Clerk of the Board within 30 days of execution and completion.

On February 14, 2017 (Item No. 98), the Board certified the Environmental Impact Report (EIR) (State Clearing House #2015061085), for the Valley Corridor Specific Plan, which includes sewer expansion, pursuant to California Environmental Quality Act (CEQA). Title 14 of the California Code of Regulations, Sections 15165 and 15168 provide for phased projects under a

**Various Actions Pertaining to the Bloomington Sewer Expansion  
Project  
August 5, 2025**

single program EIR. Therefore, if appropriate, the Department will file separate CEQA Notice of Exemptions for various phases of the Project.

Department staff reviewed the SCE line extension component of the Project and determined that a categorical exemption in accordance with the California Environmental Quality Act (CEQA) Guidelines, Title 14 of the California Code of Regulations, Section 15303(d) Class 3 Categorical Exemption is appropriate. The Class 3 exemption allows for the installation of small new equipment and facilities including electrical extension and street improvements of reasonable length to serve such construction. When the Board considers the environmental finding, the filing and posting of a Notice of Exemption is recommended.

**PROCUREMENT**

Not applicable.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel) on July 31, 2025; Risk Management (Stephanie Pacheco, Staff Analyst, 386-9039) on July 25, 2025; and County Finance and Administration (Amanda Trussell, Principal Administrative Analyst, 387-4773) on July 21, 2025.

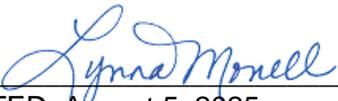
**Various Actions Pertaining to the Bloomington Sewer Expansion  
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August 5, 2025**

Record of Action of the Board of Supervisors  
Board Governed County Service Areas

**APPROVED (CONSENT CALENDAR)**

Moved: Joe Baca, Jr. Seconded: Curt Hagman  
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: August 5, 2025



cc: BGCSA - Mondragon w/agree & application for sign  
Contractor - c/o BGCSA w/agree  
File - w/agree  
CCM 08/19/2025