

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

May 9, 2023

FROM

BRENDON BIGGS, Director, Department of Public Works – Special Districts

SUBJECT

Introduction of Proposed Ordinance Relating to Sanitation and Water Fees and Charges for County Service Area 53, Zone B (Fawnskin) and County Service Area 70 Zone CG (Cedar Glen)

RECOMMENDATION(S)

CONTINUED OPENED HEARING FROM TUESDAY, MARCH 28, 2023, ITEM NO. 69
Acting as the governing body of the Board Governed County Service Areas and Zones providing water and sanitation services:

1. Conduct a public hearing pursuant to Proposition 218 for the recommended water and sanitation rates beginning 2023-24 through 2025-26 for the following districts:
 - Sanitation Districts: County Service Area 53, Zone B (Fawnskin)
 - Water Districts: County Service Area 70, CG (Cedar Glen)
2. Consider proposed ordinance for water and sanitation user rates beginning 2023-24 through 2025-26.
3. Make alterations, if necessary, to proposed ordinance.
4. Approve introduction of proposed ordinance.
 - An Ordinance of San Bernardino County, State of California, Acting as the Governing Body of Board Governed County Service Areas and Their Zones to Amend Ordinance No. SD 23-01 Relating to Sanitation and Water Fees and Charges for County Service Area 53, Zone B (Fawnskin) and County Service Area 70 Zone CG (Cedar Glen).
5. SCHEDULE ORDINANCE FOR FINAL ADOPTION ON TUESDAY, MAY 23, 2023, on the Consent Calendar.

(Presenter: Brendon Biggs, Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

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

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). Total estimated revenue from the recommended water and sanitation fees for County Service Area 53, Zone B (Fawnskin) and County Service Area 70 Zone CG (Cedar Glen) is as follows: \$1,290,000 in 2023-24, \$1,335,000 in 2024-25, and \$1,382,000 in 2025-26. These amounts reflect a 3.5% annual increase over the next three fiscal years. This revenue will continue to be used to offset the costs of providing services, including the cost of paying for conservation mandates, regulatory changes, ongoing operation, maintenance, repair and replacement of the existing water and sanitation systems.

Introduction of Proposed Ordinance Relating to Sanitation and Water Fees and Charges for County Service Area 53, Zone B (Fawnskin) and County Service Area 70 Zone CG (Cedar Glen) May 9, 2023

Revenue and appropriation related to the water and sanitation fees will be included in the 2023-24 recommended budgets for the applicable County Service Areas and Zones, as well as future recommended budgets.

BACKGROUND INFORMATION

The Department of Public Works – Special Districts (Department) reviewed the water and sanitation user rates for the various County Service Areas (CSA) and Zones (Districts) providing such services. Based on this review, the Department recommended a modest increase to the rates of 3.5% annually over the next three fiscal years for all Districts including CSA 53, Zone B (Fawnskin) and CSA 70 Zone CG (Cedar Glen). The additional revenue from this recommendation would be needed to mitigate the effects of current and future increases to the cost of providing service.

Beginning in November 2022, the Department sent letters to all water and sanitation customers informing them of public meetings being held for their particular CSA to discuss the rising costs of providing services and a proposed increase in rates. The Department met individually with each CSA from November 2022 through February 2023 to communicate the proposed rate increase with customers/residents, explain the factors considered in formulating the proposed increase, and convey the importance of building reserves for future construction projects.

Several Department staff members were available at each meeting to answer customer/resident questions, comments, and concerns. Of the 17 meetings held for the various CSAs, there was one in-person meeting and one virtual meeting held for both CSA 53B (Fawnskin) and CSA 70, Zone CG (Cedar Glen).

Pursuant to Proposition 218 requirements, on February 7, 2023, parcel owners and tenants were mailed a notice of the Department's intent to recommend new rates for water and sanitation services. Each owner/tenant had at least 45 days to submit a written protest to the recommended rate and to appear at the public hearing to present any protests against the increased rates. If there is a majority protest within any individual CSA, the proposed ordinance would be altered to eliminate the rate change for that individual CSA. Subject to the alteration, the remainder of the ordinance could move forward.

On March 28, 2023 (Item No. 69), a public hearing was held for the Board of Supervisors (Board) to consider a proposed ordinance for water and sanitation rates. As a result of the 2023 February/March Extreme Weather Event, the public hearing for CSA 53B (Fawnskin) and CSA 70, Zone CG (Cedar Glen) was continued to May 9, 2023. This continuation provided residents in those districts with additional time to recover from the recent storms, address any questions they may have, or protest the hearing, if they chose. For the other CSAs in which the March 28, 2023, public hearing was not continued, the Board subsequently adopted the ordinance for their respective water and sanitation user rates on April 11, 2023 (Item No. 60). Also, on April 11, 2023 (Item No. 62), a separate public hearing was held for the Board to consider a proposed ordinance relating to fees and charges for the various CSAs and Zones that the Department administers. That separate ordinance does not include the water and sanitation rates.

If this proposed ordinance is ultimately adopted by the Board, the effective date of the rate increases would be July 1, 2023.

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PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Aaron Gest, Deputy County Counsel, 387-5455) on April 19, 2023; Finance (Tom Forster, Administrative Analyst, 387-4635) on April 20, 2023; and County Finance and Administration (Paloma Hernandez-Barker, Deputy Executive Officer, 387-5423) on April 24, 2023.

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May 9, 2023**

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

Public Comment: None
Hearing Closed

APPROVED

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

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 9, 2023



cc: File - Final BAI
JLL 05/15/2023