



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Works
Department No.: 054
For Agenda of: 3/14/2023
Placement: Set hearing
Estimated Time: 15 minutes on 5/9/2023
Admin 5/16/2023
Continued Item: No
If Yes, date from:
Vote Required: 2/3

TO: Board of Directors, Laguna County Sanitation District

FROM: Department Scott D. McGolpin, P.E., Director, (805) 568-3010
Director(s)

Contact Info: Leslie Wells, Deputy Director, (805) 882-3605

SUBJECT: Laguna County Sanitation District, Ordinance Relative to Service Charges, Connection Charges, and Trunk Sewer Fees and Resolution Relative to Collection of Service Charges on the Tax Roll; Fourth and Fifth Supervisorial Districts

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors, acting as the Board of Directors of Laguna County Sanitation District, conduct a hearing on the Departmental Agenda on May 9, 2023 to consider the following actions:

- a) Receive and file with the Clerk of the Board the fixed charge report for fiscal year 2023-2024;
- b) Approve the introduction (First Reading) of an Ordinance Amending Ordinance Nos. 3130 and 4142 to Change the Annual Service Charge, Connection Charge, and the Dutard-Solomon, and Bradley-Solomon Trunk Sewer Fees (Attachment C);
- c) Read title: "An Ordinance of the Laguna County Sanitation District Amending Ordinance No. 3130 Adopted November 19, 1979, Which Established Service Charges, Connection Charges, and Other Rules and Regulations as Amended by Ordinance No. 4142 Adopted December 9, 1993 Establishing Trunk Sewer Fees. This Amending Ordinance Changes the Annual Service Charge and Connection Charge for Single Family and Duplex Dwelling Units, Apartments, Condominiums, Trailer Spaces, Mobile Homes and Non-residential Development; and also Changes the Dutard-Solomon and Bradley-Solomon Trunk Sewer Fees," and waive reading of the Ordinance in full;
- d) Direct the Clerk to count and report the number of written protests;

If no majority protest:

- i. Set a hearing on the Administrative Agenda for May 16, 2023 to:
 1. Consider the adoption (Second Reading) of an Ordinance Amending Ordinance Nos. 3130 and 4142 to Change the Annual Service Charge, Connection Charge, and the Dutard-Solomon and Bradley Solomon Trunk Sewer Fees;
 2. Consider the adoption of a Resolution authorizing the collection of said charges on the tax roll (Attachment D); and
 3. Determine that the above actions are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15273(a)(1), (2), (3), and (4) of the State CEQA Guidelines because they are modifications of service charges, connection charges, and trunk line fees for the purposes of meeting operating and capital expenses, as well as for meeting financial reserve needs required to maintain services within this existing service area, and the modifications in charges and fees are not for the construction of capital projects for the expansion of the service system and approve the filing of a Notice of Exemption on that basis.

If majority protest, take no action and provide direction to staff.

Summary Text:

This item is on the agenda in order to set a hearing on the departmental agenda to consider the adoption of sewer service charges, connection charges, and trunk sewer fees for fiscal year 2023-2024. The sewer service charge is proposed to increase by 1.5%. For a typical single family residential user this is an increase of \$16.57 per year for an annual amount of \$1,121.55. The increase is based on the *Sewer Utility Rate and Connection Charge Study* prepared for the District by Carollo Engineers. Adjustments to the connection charge and trunk sewer fees are based on the appropriate index as noted.

Background:

The Laguna County Sanitation District is a dependent special district of the County, which provides wastewater services to customers in the Orcutt and unincorporated Santa Maria areas and is regulated by the Regional Water Quality Control Board (RWQCB) under Waste Discharge Requirements Order R3-2011-0217. The service territory is located in the Fourth and Fifth Supervisorial Districts. The recommended actions address sewer service charges, connection charges, and trunk sewer fees. The adoption of this action requires a 2/3 vote per Section 5471 of the Health and Safety Code.

For the last several years, sewer charges were adopted to provide adequate revenues to build reserves, finance major capital improvements, and accommodate debt service. The largest scale project is the Phase 1 plant upgrade, which is now under construction. This project was analyzed pursuant to CEQA in 17NGD-00000-00015, approved by the Board of Directors on July 3, 2018. The *Sewer Utility Rate and Connection Charge Study* prepared for the District by Carollo Engineers in December 2019 (see Attachment B), recommended a 5-year rate plan with a 1.5% increase for next fiscal year. This is consistent with the debt service finance planning model used to account for debt service for the upgrade project. For comparison, the Consumer Price Index (annual average for All Urban Consumers Los Angeles-Long Beach-Anaheim area) for 2022 was 7.4%.

Sewer Service Charges

Sewer service charges are billed on an annual basis to District customers by billing category (single-family residences, multiple-family residences, schools, and commercial). They fund operational, maintenance, and replacement costs (including debt service and depreciation) for collection, treatment, and discharge services. For comparison purposes, the rate for a single family residential unit (SFR) would increase from \$1,104.98 to \$1,121.55 per year, or from \$92.08 to \$93.46 on a monthly basis.

Sewer service charge increases are noticed to land owners pursuant to Article 13D of the California Constitution. A majority of written protests by land owners presented to the Board would cause non-imposition of the increase. There are 10,908 parcels that receive sewer service.

Connection Charges

Connection charges are one-time equity buy-in charges that ensure new customers (new development) pay a fair share of existing facilities and necessary upgrades or improvements. These charges are collected prior to occupancy approval of the new development. This charge is adjusted by the Los Angeles Construction Cost Index (CCI) for the prior year as prescribed by ordinance, which was 7.6% from January 2022 to January 2023. Therefore, the connection charge will increase from \$9,070 to \$9,759 per residential unit equivalent (RUE).

Trunk Sewer Fees

The Dutard-Solomon trunk sewer fee is a one-time developer impact mitigation fee for new customers (new development) that utilize the Dutard-Solomon segment of the Solomon Creek trunk sewer completed by the District in 2001. These fees reimburse the District and are collected prior to issuance of a Can-and-Will Serve letter, which authorizes map recordation. Based on the Los Angeles CCI of 7.6%, the fee will increase from \$1,158 to \$1,246 per RUE.

The Bradley-Solomon trunk sewer fee is a one-time developer impact mitigation fee for new customers (new development) that utilize the Bradley-Solomon Creek segment of the Solomon Creek trunk sewer, which was constructed by a private developer in 2006. These fees are collected prior to issuance of a Can-and-Will Serve letter. The revenue from this fee reimburses the developer subject to the terms of the reimbursement agreement executed by the Board on January 15, 2008, which expires upon the connection of 403 residential units or 25 years. The agreement uses the prime interest rate for annual adjustments which was 7.5% for 2022. Therefore, this trunk sewer fee will increase from \$2,999 to \$3,224 per RUE.

Performance Measure:

This action will increase established charges and fees intended to provide revenues to meet the District's operations and capital expense needs.

Fiscal and Facilities Impacts:

The proposed charges and fees are based on the FY 2023-2024 operating budget and reserve policy. The attached amending ordinance (Attachment C) will adjust existing charges and fees as discussed above.

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
Sewer Charges		\$ 14,782,774.00	
Total	\$ -	\$ 14,782,774.00	\$ -

The proposed service charge revenue will cover the District’s proposed operating budget, including reserves. This amount is proposed to be billed over 10,908 parcels for 13,033 connections. The majority of this revenue is billed on the tax roll while governmental agencies are billed by mail. Revenue from connection charges and trunk sewer fees depend upon the number of new customers and are intended to build reserves to be used for capital improvements.

Staffing Impacts:

No new staffing positions are proposed in this budget.

Special Instructions:

- A. Request Clerk of the Board to publish notice of this hearing, as set forth in the attached Notice of Public Hearing, in the Santa Maria Times, pursuant to Health and Safety Code Section 5473.1. **The recommended dates for publication are April 25 and May 2, 2023.**
- B. Request the Clerk of the Board publish a summary of the ordinance in the Santa Maria Times and post the full text of the ordinance, at least 5 days prior to the hearing; and publish a summary of the ordinance in the Santa Maria Times with the names of the board members voting for and against and post a certified copy of the ordinance with the names of the board members voting for and against, within 15 days of adoption, pursuant to Section 25124(b)(1) of the Government Code.
- C. Following Board approval on May 16, 2023, Clerk of the Board to post the Notice of Exemption and forward a stamped copy to Laguna County Sanitation District, attention Angela Arredondo.
- D. Clerk of the Board to forward a certified copy of the executed ordinance and resolution to:
 - Angela Arredondo, Laguna County Sanitation District in Santa Maria
 - Auditor-Controller

Attachments:

- Attachment A: Fixed Charge Report
- Attachment B: *Sewer Utility Rate and Connection Charge Study*
- Attachment C: Ordinance
- Attachment D: Resolution
- Attachment E: Notice of Exemption
- Attachment F: Notice of Public Hearing

Authored by:

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Copy:

Julie Hagen, CPA, Deputy Public Works Director of Finance and Administration