

*Rosamond Community Services District
Regular Board Meeting – Agenda
Wednesday, August 9, 2023 @ 5:30 PM*

REGULAR MEETING OF THE BOARD OF DIRECTORS ROSAMOND COMMUNITY SERVICES DISTRICT

5:30 PM Closed Session
6:00 PM Regular Board Meeting
Wednesday, August 9, 2023
District Board Room
3179 35th Street West
Rosamond, CA 93560

Teleconference
1-877-411-9748
Access Code: 5150560
Teleconference address:
South Point Hotel
9777 Las Vegas Blvd. South
Las Vegas NV.89183
PH.702.797.8901

Agenda

CALL TO ORDER Time: _____

ROLL CALL

Director Greg Washington
Director Alfred Wallis
Director Rick Webb
Vice President Ben Stewart
President Byron Glennan

General Manager (GM) Kim Domingo
Director of Public Works John Houghton
Director of Administration Sherri Timm
Legal Counsel, John Komar, Esq.

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA Motion: _____ 2nd: _____

PUBLIC COMMENTS

(At this time, any person may address the Board on any subject within the District’s jurisdiction which is not on the agenda. However, any non-agenda matter will be referred to staff for a report and/or action at a subsequent Board meeting and no action can be taken on any such item discussed unless the action has been authorized under §54954.2(b) of the Government Code. Any person may also address the Board on any agenda matter at the time that matter is discussed, prior to Board consideration and action. Speakers are requested to limit comments to five (5) minutes.)

VOLUNTARY PUBLIC ROLL-CALL VIA TELECONFERENCE

(If any member of the public on the teleconference/video conference wishes to identify themselves as present for this meeting, please do so for the records/minutes)

CLOSED SESSION Time: _____

Motion _____ 2nd _____

CS 1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code Section 54957.6

Representative: Kim Domingo

Organization: American Federation of State, County and Municipal Employees (AFSCME), Local 1902.

PUBLIC REPORT ON ACTION TAKEN IN CLOSED SESSION

Time Out of Closed Session: _____

Motion _____ 2nd _____

____ No Reportable Action ____ Reportable Action by: _____

6:00 P.M. OPEN SESSION Time: _____

PUBLIC COMMENTS

(At this time, any person may address the Board on any subject within the District’s jurisdiction which is not on the agenda. However, any non-agenda matter will be referred to staff for a report and/or action at a subsequent Board meeting and no action can be taken on any such item discussed unless the action has been authorized under §54954.2(b) of the Government Code. Any person may also address the Board on any agenda matter at the time that matter is discussed, prior to Board consideration and action. Speakers are requested to limit comments to five (5) minutes.

VOLUNTARY PUBLIC ROLL-CALL VIA TELECONFERENCE

(If any member of the public on the teleconference/video conference wishes to identify themselves as present for this meeting, please do so for the records/minutes)

PRESENTATIONS

PR 1. Special Recognition for Stephen Allen Perez.

CONSENT CALENDAR

CC 1 Review of check/voucher register dated July 18, 2023 through July 31, 2023|(Direct Deposit) dated July 19, 2023 Payroll|(Checks) dated July 19, 2023.

Motion: _____ 2nd: _____

MINUTES

M 1. Approve July 26, 2023 Regular Board Meeting Minutes.

M 2. Approve July 31, 2023 Sewer Committee Meeting Minutes.

Motion: _____ 2nd: _____

UNFINISHED BUSINESS

UB 1 Resolution 2023-12 Amending Ordinance 92-6 Establishing Policy for Water and Sewer Connections for Accessory Dwelling Units and Associated Charges.

Motion: _____ 2nd _____

PRESENTATIONS

PR 2. Water Reclamation Plant Project Update.

DIRECTOR REPORTS/COMMENTS/FUTURE AGENDA ITEMS

GENERAL COUNSEL UPDATE

John Komar, Esq

GENERAL MANAGER UPDATE

Kim Domingo

DIRECTOR OF ADMINISTRATION UPDATE

Sherri Timm

PUBLIC WORKS UPDATE

John Houghton

ADJOURNMENT Time: _____ Motion: _____ 2nd: _____

Requirements Regarding Disabled Access: In accordance with Government Code §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the RCSD Board Secretary at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. Please contact the Board Secretary

*Rosamond Community Services District
Regular Board Meeting – Agenda
Wednesday, August 9, 2023 @ 5:30 PM*

by telephone at (661) 256-3411, Email: stimm@rosamondcsd.com or in writing at the Rosamond Community Services District, Attn: Board Secretary 3179 35th Street West, Rosamond, CA 93560.

Pursuant to Government Code Section 54957.5, any writing that: (1) is a public record; (2) relates to an agenda item for an open session of a regular meeting of the Board of Directors; and (3) is distributed less than 72 hours prior to that meeting, will be made available for public inspection at the time the writing is distributed to the Board of Directors. Any such writing will be available for public inspection at the District offices located at 3179 35th Street West, Rosamond, CA 93560. In addition, any such writing may also be posted on the District's web site.

STAFF REPORT

Rosamond Community Services District

DATE: August 9, 2023
TO: Board of Directors
FROM: Brad Rockabrand, CPA
Prepared by: Julie Lopez-Olmos, Senior Accounting Clerk
SUBJECT: Review of the check/voucher register dated July 18, 2023 through July 31, 2023 | (Direct Deposit) dated July 19, 2023 Payroll | (Checks) dated July 19, 2023

RECOMMENDATION:

By motion, receive and file.

EXECUTIVE SUMMARY:

The District's check/voucher register includes all disbursement transactions, actual checks as well as electronic, for the periods referenced above. Total disbursements were \$648,935.40 as follows:

Checks issued to vendors	\$591,150.27
Payroll direct deposit and checks	<u>57,785.13</u>
Total	\$648,935.40

Significant disbursements included the following payments:

- \$18,027.00 was paid to California Public Employee's Retirement System on July 19, 2023 for the annual unfunded accrued liability
- \$4,882.70 was remitted to the Employment Development Department on July 19, 2023
 - \$.00 (Employer portion)
 - \$4,882.70 (Employee portion)
- \$46,539.75 was paid to GEI Consultants, Inc. on July 19, 2023 for the FEMA Grant Application assistance
- \$24,937.55 was remitted to the Internal Revenue Service on July 19, 2023
 - \$ 7,086.51 (Employer portion)
 - \$17,851.04 (Employee portion)

- \$276,963.41 was to SDRMA on July 19, 2023 for property/liability insurance for the 2023 – 2024 fiscal year
- \$17,687.17 was paid to Southern California Edison on July 19, 2023 for the well 9 electricity usage
- \$12,321.89 was paid to Southern California Edison on July 19, 2023 for electricity usage at 962 10th Street W
- \$36,428.97 was paid to Burke, Williams & Sorensen, LLP on July 19, 2023 for AD 1990-2 and AD 1991-3 for the periods of July, September, October and December of 2022 and February, March and April of 2023
- \$35,274.35 was paid to ACWA/JPIA on July 26, 2023 for employee insurance
- \$11,733.06 was paid to Burke, Williams & Sorensen, LLP on July 26, 2023 for AD 1990-2 and AD 1991-3 for the period of June 2023
- \$14,752.19 was remitted to the CalPERS on July 26, 2023 for required contributions
 - \$9,672.82 (Employer portion)
 - \$5,079.37 (Employee portion)

DISCUSSION/ANALYSIS:

The check/voucher register dated July 4, 2023 through Jul 17, 2023 includes check numbers 63187 through 63249 (Attachment 1)

Payroll (Direct Deposit) number 26162 through 26180, 26181 (overflow), 26182 through 26184 were issued on July 19, 2023 in the amount of \$51,924.01. Payroll (Checks) number 26185 through 26187 were issued on July 19, 2023 in the amount of \$5,861.12 (Attachment 2)

FISCAL IMPACT:

Not applicable

ENVIRONMENTAL IMPACT:

Not applicable

PRIOR BOARD REVIEW:

Not applicable

COMMISSION/COMMITTEE/BOARD REVIEW AND RECOMMENDATIONS:

Not applicable

NOTIFICATION:

Not applicable

ATTACHMENTS:

Attachment 1 – Check/voucher register dated July 18, 2023 through Jul 31, 2023

Attachment 2 – (Direct Deposit) dated July 19, 2023 and Payroll (Checks) dated July 19, 2023

Rosamond Community Services District
Check/Voucher Register
10101 - General Checking - Wells Fargo
From 7/18/2023 Through 7/31/2023

Date	Check No.	Vendor Name	Transaction Description	Amount	Total
7/19/2023	63187	A-1 KLEAN RITE	PW BLD: JANITORIAL CLEANING	1,360.00	3,825.00
7/19/2023		A-1 KLEAN RITE	JANITORIAL CLEANING	1,360.00	3,825.00
7/19/2023		A-1 KLEAN RITE	RWW: JANITORIAL CLEANING	1,105.00	3,825.00
7/19/2023	63188	ADF INTERNATIONAL INC.	RIGHT OF ENTRY: APN 25-160-37-00-4	200.00	200.00
7/19/2023	63189	AFLAC INSURANCE	SUPPLEMENTAL EMPLOYEE INSURANCE	791.98	791.98
7/19/2023	63190	AFSCME LOCAL 1902	UNION DUES	1,055.15	1,055.15
7/19/2023	63191	ARAMARK	EMPLOYEE UNIFORMS, MATS, TOWELS & 1ST AID KITS	1,099.74	1,099.74
7/19/2023	63192	AT&T TELECONFERENCE SERVICES	TELECONFERENCE	157.12	157.12
7/19/2023	63193	AT&T	STP	70.43	501.41
7/19/2023		AT&T	FAX	92.54	501.41
7/19/2023		AT&T	MAIN OFFICE	267.11	501.41
7/19/2023		AT&T	SCADA	47.04	501.41
7/19/2023		AT&T	TANK# 4	24.29	501.41
7/19/2023	63194	AUTOZONE	#38 & 39 OIL & AIR FILTERS, 5W-30 OIL AND AIR CABIN FILTERS	142.37	142.37
7/19/2023	63195	RYAN BECKER	PER DIEM ALLOWANCE: TRI STATE SLUDGE WORKSHOP	407.00	407.00
7/19/2023	63196	CALIFORNIA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM	PAYROLL REMITTANCE	0.00	(14,755.07)
7/19/2023	63197	CALIFORNIA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM	ANNUAL UNFUNDED ACCRUED LIABILITY RATE PLAN: 3976	18,027.00	18,027.00
7/19/2023	63198	CALPERS SUPPLEMENTAL INCOME 457 PLAN	PERS 457	4,888.45	4,888.45
7/19/2023	63199	CA STATE DISBURSEMENT UNIT	WITHHOLDING ORDER	424.60	424.60
7/19/2023	63200	CORE & MAIN LP	9 QTY 3/4 GRIP RINGS	23.39	23.39
7/19/2023	63201	COSTCO	MEMBERSHIP RENEWAL	120.00	120.00
7/19/2023	63202	DIGITECH	875 PATTERSON RD: SECURITY MONITORING	31.99	131.97
7/19/2023		DIGITECH	MAIN BLD: SECURITY MONITORING	31.99	131.97
7/19/2023		DIGITECH	OPER. BLD: SECURITY MONITORING	31.99	131.97
7/19/2023		DIGITECH	WWO: SECURITY MONITORING	36.00	131.97
7/19/2023	63203	EMPLOYMENT DEVELOPMENT DEPARTMENT	STATE DISABILITY INSURANCE	833.73	4,882.70
7/19/2023		EMPLOYMENT DEVELOPMENT DEPARTMENT	STATE INCOME TAX	4,048.97	4,882.70
7/19/2023	63204	FEDERAL EXPRESS	AUDIT	21.42	21.42
7/19/2023	63205	GEI CONSULTANTS, INC.	FEMA GRANT APPLICATION ASSISTANCE: 05/27/2023 - 06/30/2023	46,539.75	46,539.75
7/19/2023	63206	GLENNAN, BYRON	PER DIEM ALLOWANCE: TRI STATE SLUDGE WORKSHOP	333.00	333.00
7/19/2023	63207	HARBOR FREIGHT TOOLS	TOOLS	837.68	837.68
7/19/2023	63208	INFOSEND, INC.	STATEMENT DATA PROCESSING	3,807.06	3,807.06
7/19/2023	63209	INTERNAL REVENUE SERVICE	FEDERAL INCOME TAX	10,764.53	24,937.55
7/19/2023		INTERNAL REVENUE SERVICE	MEDICARE	2,686.38	24,937.55
7/19/2023		INTERNAL REVENUE SERVICE	SOCIAL SECURITY	11,486.64	24,937.55
7/19/2023	63210	JACK HENRY AND ASSOCIATES	BILLING ON BEHALF OF CUSI	75.50	75.50
7/19/2023	63211	KERN COUNTY AUDITOR-CONTROLLER-COUNTY CLERK	LAFCO'S OPERATING COSTS FOR YEAR 2023-2024	3,641.00	3,641.00
7/19/2023	63212	NBS	TAX ROLL BILLING SERVICES: SEWER AND WATER	3,876.75	7,753.50
7/19/2023		NBS	TAX ROLL BILLING SERVICES: SEWER AND WATER	3,876.75	7,753.50
7/19/2023	63213	NORTHERN DIGITAL INC.	T&M SUPPORT	7,109.61	7,109.61
7/19/2023	63214	PIMENTEL, SHAWN	PER DIEM ALLOWANCE: TRI STATE SLUDGE WORKSHOP	407.00	407.00
7/19/2023	63215	QUAD KNOPF, INC.	PREPARE 56 PIPELINE EASEMENTS FOR ARSENIC MITIGATION	5,811.10	5,811.10
7/19/2023	63216	ROGERS ANDERSON MALODY & SCOTT LLP	JUN 2023 AUDIT - JUN 2023 BILLING	4,500.00	4,500.00

Rosamond Community Services District
Check/Voucher Register
10101 - General Checking - Wells Fargo
From 7/18/2023 Through 7/31/2023

Date	Check No.	Vendor Name	Transaction Description	Amount	Total
7/19/2023	63217	SDRMA	PROPERTY/LIABILITY PROGRAM YEAR 2023-24	276,963.41	276,963.41
7/19/2023	63218	SOUTHERN CALIF. EDISON	TANK# 4	605.28	1,190.85
7/19/2023		SOUTHERN CALIF. EDISON	TANK# 4	585.57	1,190.85
7/19/2023	63219	SOUTHERN CALIF. EDISON	5702 GASKELL RD WELL 9	17,687.17	17,687.17
7/19/2023	63220	SOUTHERN CALIF. EDISON	962 10TH ST W	12,321.89	12,321.89
7/19/2023	63221	SOUTHERN CALIF. EDISON	616 1/2 APPLEBLOSSOM ST	64.92	64.92
7/19/2023	63222	SOUTHERN CALIF. EDISON	962 10TH ST W	7,279.96	7,279.96
7/19/2023	63223	SOUTHERN CALIF. EDISON	ST. LIGHTS & LLAD	9,254.06	9,254.06
7/19/2023	63224	SOUTHERN CALIF. EDISON	3179 35TH ST W	1,577.18	1,577.18
7/19/2023	63225	SOUTHERN CALIF. EDISON	SCADA	24.85	24.85
7/19/2023	63226	THE GATE DOCTOR	REPLACED SAFETY LOOP	500.00	500.00
7/19/2023	63227	ALFRED WALLIS	PER DIEM ALLOWANCE: TRI STATE SLUDGE WORKSHOP	259.00	259.00
7/19/2023	63228	YES ENVIRONMENTAL, INC.	2645 DIAMOND ST	3,862.84	3,862.84
7/19/2023	63229	Z AXIS IMAGES	JUN 2023 PR	4,181.23	4,181.23
7/19/2023	63230	BURKE, WILLIAMS & SORENSEN, LLP	APR 2023 AD 1990-2 AND 1991-3	17,398.36	36,428.97
7/19/2023		BURKE, WILLIAMS & SORENSEN, LLP	DEC 2022 AD 1990-2 AND 1991-3	2,462.93	36,428.97
7/19/2023		BURKE, WILLIAMS & SORENSEN, LLP	FEB 2023 AD 1990-2 AND 1990-3	1,596.50	36,428.97
7/19/2023		BURKE, WILLIAMS & SORENSEN, LLP	JUL 2022 AD 1990-2 AND 1991-3	3,642.52	36,428.97
7/19/2023		BURKE, WILLIAMS & SORENSEN, LLP	MAR 2023 AD 1990-2 AND 1991-3	2,832.50	36,428.97
7/19/2023		BURKE, WILLIAMS & SORENSEN, LLP	OCT 2022 AD 1990-2 AND 1991-3	7,874.00	36,428.97
7/19/2023		BURKE, WILLIAMS & SORENSEN, LLP	SEP 2022 AD 1990-2 AND 1991-3	622.16	36,428.97
7/26/2023	63231	3D IMAGING SYSTEMS	COPIER MAINTENANCE AGREEMENTS AND OVERAGES	253.82	253.82
7/26/2023	63232	ACWA/JPIA	EMPLOYEE INSURANCE	35,274.35	35,274.35
7/26/2023	63233	AT&T MOBILITY	CELL PHONES, IPAD INTERNET CHARGES & TRACKERS	1,911.04	1,911.04
7/26/2023	63234	BOOT BARN, INC.	ANNUAL BOOTS: S. PIMENTEL 06/22/2023	193.48	193.48
7/26/2023	63235	BURKE, WILLIAMS & SORENSEN, LLP	LORENZO, VENTON T. (AD 1991-3)	1.63	11,733.06
7/26/2023		BURKE, WILLIAMS & SORENSEN, LLP	ROSAMOND HOLDINGS LLC (AD 1991-3)	1,522.65	11,733.06
7/26/2023		BURKE, WILLIAMS & SORENSEN, LLP	SHERMAN, LAWRENCE F. (AD 1991-3)	542.45	11,733.06
7/26/2023		BURKE, WILLIAMS & SORENSEN, LLP	PEREZ, BERNARDO (AD 1991-3)	2,058.40	11,733.06
7/26/2023		BURKE, WILLIAMS & SORENSEN, LLP	NGUYEN, BINH (AD 1991-3)	1,607.50	11,733.06
7/26/2023		BURKE, WILLIAMS & SORENSEN, LLP	TEAGUE, KENNETH A., ET AL. (AD 1991-3)	145.00	11,733.06
7/26/2023		BURKE, WILLIAMS & SORENSEN, LLP	AZTEC FINANCIAL (AD 1991-3)	362.50	11,733.06
7/26/2023		BURKE, WILLIAMS & SORENSEN, LLP	GUZMAN, JOSE ET AL. (AD 1991-3)	690.83	11,733.06
7/26/2023		BURKE, WILLIAMS & SORENSEN, LLP	HORN ENTERPRISES (AD 1991-3)	1,771.60	11,733.06
7/26/2023		BURKE, WILLIAMS & SORENSEN, LLP	GENERAL	1,567.50	11,733.06
7/26/2023		BURKE, WILLIAMS & SORENSEN, LLP	TIMBER PROPERTIES LTD (AD 1990-2/AD 1991-3)	1,463.00	11,733.06
7/26/2023	63236	CALIFORNIA PUBLIC EMPLOYEE'S RETIREMENT SYSTEM	PAYROLL REMITTANCE	14,752.19	14,752.19
7/26/2023	63237	FAMCON PIPE & SUPPLY INC.	16 QTY 3/4 X 3" IPS CLAMP & 3 QTY 1" INSTA TITE	1,168.26	1,168.26
7/26/2023	63238	GEI CONSULTANTS, INC.	REGIONAL ARSENIC COMPLIANCE PR THROUGH 06/30/2023	665.50	665.50
7/26/2023	63239	JOHNSON, CONNOR	CALPERS REFUND DUE TO INCORRECT EE RATE ON RETRO PAY	0.67	0.67
7/26/2023	63240	MILES CHEMICAL COMPANY	SODIUM HYPOCHLORITE	4,978.60	4,978.60
7/26/2023	63241	PATTON SALES CORP	60' 3/16 X 3 ALUM FLAT & 120' 3/16 ALUM FLAT	491.66	491.66
7/26/2023	63242	PHONE CONNECTION	SERVICE CALL	187.50	187.50
7/26/2023	63243	PIMENTEL, SHAWN	CALPERS REFUND DUE TO INCORRECT EE RATE ON RETRO PAY	1.71	1.71

Rosamond Community Services District
 Check/Voucher Register
 10101 - General Checking - Wells Fargo
 From 7/18/2023 Through 7/31/2023

Date	Check No.	Vendor Name	Transaction Description	Amount	Total
7/26/2023	63244	SOTO, NALLELY	SETTLEMENT	2,250.00	2,250.00
7/26/2023	63245	THE GAS COMPANY	UNIT A	19.71	34.50
7/26/2023		THE GAS COMPANY	UNIT B	14.79	34.50
7/26/2023	63246	THE GAS COMPANY	875 PATTERSON RD	14.79	14.79
7/26/2023	63247	THE GAS COMPANY	2700 20TH ST W	14.79	14.79
7/26/2023	63248	UNDERGROUND SERVICE ALERT NORTH 811	2023 MEMBERSHIP FEE & 2022 BILLABLE TICKETS	537.43	537.43
7/26/2023	63249	USA BLUEBOOK	6 3/8 INJECTORS, 4 DISCHARGE VALVES & 1 30 GPD PUMP	1,683.05	2,638.54
7/26/2023		USA BLUEBOOK	SUPPLIES	<u>955.49</u>	2,638.54

Report Total

591,150.27

Rosamond Community Services District

Summary Check/Transaction Register

From 7/19/2023 Through 7/19/2023

<u>Document Date</u>	<u>Document Number</u>	<u>Type of Payment</u>	<u>Amount</u>
7/19/2023	26161		0.00
7/19/2023	26162	Check	3,265.92
7/19/2023	26163	Check	2,295.16
7/19/2023	26164	Check	2,968.26
7/19/2023	26165	Check	4,241.85
7/19/2023	26166	Check	1,990.21
7/19/2023	26167	Check	1,072.19
7/19/2023	26168	Check	1,544.82
7/19/2023	26169	Check	1,697.24
7/19/2023	26170	Check	1,902.47
7/19/2023	26171	Check	3,561.65
7/19/2023	26172	Check	2,782.84
7/19/2023	26173	Check	2,519.40
7/19/2023	26174	Check	2,065.91
7/19/2023	26175	Check	2,738.88
7/19/2023	26176	Check	1,623.38
7/19/2023	26177	Check	1,378.84
7/19/2023	26178	Check	2,089.20
7/19/2023	26179	Check	1,882.80
7/19/2023	26180	Check	2,311.57
7/19/2023	26181		0.00
7/19/2023	26182	Check	2,904.96
7/19/2023	26183	Check	2,445.90
7/19/2023	26184	Check	2,640.56
7/19/2023	26185	Check	63.17
7/19/2023	26186	Check	142.62
7/19/2023	26187	Check	<u>5,655.33</u>
Report Total			<u><u>57,785.13</u></u>

PAYROLL 07/19/2023

Document Date	Document Number	Amount
7/19/2023	26162	3,265.92
7/19/2023	26163	2,295.16
7/19/2023	26164	2,968.26
7/19/2023	26165	4,241.85
7/19/2023	26166	1,990.21
7/19/2023	26167	1,072.19
7/19/2023	26168	1,544.82
7/19/2023	26169	1,697.24
7/19/2023	26170	1,902.47
7/19/2023	26171	3,561.65
7/19/2023	26172	2,782.84
7/19/2023	26173	2,519.40
7/19/2023	26174	2,065.91
7/19/2023	26175	2,738.88
7/19/2023	26176	1,623.38
7/19/2023	26177	1,378.84
7/19/2023	26178	2,089.20
7/19/2023	26179	1,882.80
7/19/2023	26180	2,311.57
7/19/2023	26181	0.00
7/19/2023	26182	2,904.96
7/19/2023	26183	2,445.90
7/19/2023	26184	<u>2,640.56</u>
Total Direct Deposit		51,924.01
7/19/2023	26185	63.17
7/19/2023	26186	142.62
7/19/2023	26187	<u>5,655.33</u>
Total Checks Issued		5,861.12
Total		<u>57,785.13</u>

**REGULAR MEETING OF THE
BOARD OF DIRECTORS
ROSAMOND COMMUNITY SERVICES DISTRICT**

6:00 PM Regular Board Meeting
Wednesday, July 26, 2023
District Board Room
3179 35th Street West
Rosamond, CA 93560

Teleconference
1-877-411-9748
Access Code: 5150560

Minutes

CALL TO ORDER

The meeting was called to order at 6:00 PM by President Glennan

ROLL CALL

Director Greg Washington	Present
Director Alfred Wallis	Present
Director Rick Webb	Present
Vice President Ben Stewart	Present
President Byron Glennan	Present

5/0 quorum present.

General Manager (GM) Kim Domingo	Absent
Director of Public Works John Houghton	Present
Director of Administration Sherri Timm	Present
Legal Counsel, John Komar, Esq.	Teleconference

PLEDGE OF ALLEGIANCE

APPROVAL OF THE AGENDA

A motion to approve the agenda was made by Vice President Stewart and seconded by Director Washington.

Motion passed 5/0, all ayes.

PUBLIC COMMENTS

(At this time, any person may address the Board on any subject within the District’s jurisdiction which is not on the agenda. However, any non-agenda matter will be referred to staff for a report and/or action at a subsequent Board meeting and no action can be taken on any such item discussed unless the action has been authorized under §54954.2(b) of the Government Code. Any person may also address the Board on any agenda matter at the time that matter is discussed, prior to Board consideration and action. Speakers are requested to limit comments to five (5) minutes.)

Byron Glennan made comments regarding the founding of the District as a member of the public.

VOLUNTARY PUBLIC ROLL-CALL VIA TELECONFERENCE

(If any member of the public on the teleconference/video conference wishes to identify themselves as present for this meeting, please do so for the records/minutes)

John Joyce – Rosamond News

Natalie Willis – Hydrostore

CONSENT CALENDAR

CC 1 Review of the check/voucher register dated July 4, 2023 through July 17, 2023 I (Direct Deposit) dated July 5, 2023 Payroll I (Checks) dated July 5, 2023.

A motion to approve CC 1 was made by Director Webb and seconded by VP Stewart.

Motion passed 5/0, all ayes.

MINUTES

M 1. Approve July 12, 2023 Regular Board Meeting Minutes.

A motion to approve M 1 was made by Director Washington and seconded by Director Wallis.

Motion passed 5/0, all ayes.

NEW BUSINESS

N B 1. Resolution 2023-12 Amending Ordinance 92-6 Establishing Policy for Water and Sewer Connections for Accessory Dwelling Units and Associated Charges.
(Presenters Sherri Timm and John Houghton)

On July 21, 2023, Staff received comments from the applicant of Tract 7362 which should be addressed through a policy edit. Staff requested that this item be postponed until the August 9th, 2023 regular board meeting to allow policy edits.

A motion to postpone NB 1 until the August 9th, 2023 regular board meeting was made by Director Webb and seconded by Director Washington.

Motion passed 5/0 all ayes.

NB 2. Approval of Master Services Agreement 2023-1 (KJ), Task Order 2023-1 (KJ)– Urban Water Management Plan Update Services, and Task Order 2023-2 (KJ) – Plan Check Services with Kennedy Jenks.
(Presenters Sherri Timm and John Houghton)

The Master Services Agreement (MSA) with Kennedy Jenks provides for consultant services to be performed on a Task Order basis. The terms of the agreement are memorialized during the contract life. Staff recommends an MSA term of three years. The consultant services are needed to finish the 2020 Urban Water Management Plan and provide professional review of water and sewer improvement plans submitted by developers. Kennedy Jenks has provided these services in a competent manner to date.

A motion to approve Master Services Agreement 2023-1 (KJ), Task Order 2023-1 (KJ)
-Urban Water Management Plan update services, and Task Order 2023-2 (KJ)
-Plan Check Services with Kennedy Jenks was made by Director Wallis and seconded by VP Stewart.

Motion passed 5/0, all ayes.

N B 3. Approve Water Reclamation Plant Project Amended Change Order No. 8
(Presenters Sherri Timm and John Houghton)

On June 14, 2023, the Board authorized a commitment of funds to repair the non- functioning blowers at the Water Reclamation Plant with the understanding that the funds would be reimbursed by the design consultant.

Since the authorization, the consultant is recommending the approval of additional contract time amounting to 814 calendar days at no additional cost to the District.

This results in a completion date of July 21, 2023. A detailed explanation of the reasons for the additional days was attached to the agenda packet.

A motion to approve the amended Change Order No. 8 and authorized the General Manager to execute the document was made by VP Stewart and seconded by Director Washington.

Motion passed 4 ayes and 1 nay by Director Webb.

NB 4. Discussion – Board Direction Related to Rosamond CSD Foundation.
(Presenter Sherri Timm)

The formation and purpose of the Rosamond CSD Foundation was discussed. The primary goal of the Foundation was to facilitate the funding of parks and recreation programs when those services were authorized by District voters but without authorizing the requisite funding. Since the District has now relinquished itself of parks and recreation services, there has been no real impetus for the Foundation to continue its efforts. The Foundation currently has a balance of approximately \$13,000 between a general Foundation account and one specifically set up for the Cancer Fund walk.

The Water Conservation Committee has met regarding the possibility of directing these funds towards water savings programs, which would fall under the scope of the bylaws. An example is irrigation controller upgrade programs which could be offered to the community that could be paid with the funds.

Before staff time is expended on how the Foundation could serve these types of programs, the Board needs to consider the options and provide direction, given the Foundation is its own entity with a separate Board of Directors.

Community member Francis Thompson provided her input to the Board, stating that she feels the Foundation should be a separate entity for all of Rosamond and have others in the community serve on the board.

The Board consensus was to send the item to Committee for further discussion.

A motion to table NB 4 and bring the item back before the Board prior to August 31, 2023 was made by Director Webb and seconded by Director Washington.

Motion passed 5/0, all ayes.

PRESENTATIONS

PR 1. Water Reclamation Plant Project Update.
No report.

DIRECTOR REPORTS/COMMENTS/FUTURE AGENDA ITEMS

Director Washington discussed heat safety.

Director Wallis provided a report from the RMAC meeting and Chamber of Commerce monthly luncheon he recently attended.

VP Stewart spoke of the Boy Scout Troop #41 assistant Scout Master who recently passed.

Director Webb provided comments on community vandalism.

President Glennan – provided an AVEK meeting update.

GENERAL COUNSEL UPDATE

John Komar, Esq
No report.

GENERAL MANAGER UPDATE

The following Report was made by Sherri Timm on behalf of GM Domingo.

1. Diamond Street Property – We have solicited demolition quotations to four different contractors and have received only one actual response declining to quote. Staff has also been contacted by a local business owner who is interested in purchasing the property.
2. 20th Street Property – Staff met with the potential renter and are still pursuing a possible lease.
3. Your GM will be back in the office on Monday, July 29.
4. Blood Drive reminder – August 3.

DIRECTOR OF ADMINISTRATION UPDATE

Sherri Timm provided a reminder about the upcoming Red Cross Blood Drive on August 3rd from 12:00 pm – 6:00 PM.

PUBLIC WORKS UPDATE

Director of Public Works John Houghton reviewed the July 20, 2023 Field Operations Report.

ADJOURNMENT

A motion to adjourn the meeting at 6:52 PM was made by VP Stewart and seconded by Director Washington.

Motion passed 5/0. All ayes.

Requirements Regarding Disabled Access: In accordance with Government Code §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the RCSD Board Secretary at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. Please contact the Board Secretary by telephone at (661) 256-3411, Email: stimm@rosamondcsd.com or in writing at the Rosamond Community Services District, Attn: Board Secretary 3179 35th Street West, Rosamond, CA 93560.

Pursuant to Government Code Section 54957.5, any writing that: (1) is a public record; (2) relates to an agenda item for an open session of a regular meeting of the Board of Directors; and (3) is distributed less than 72 hours prior to that meeting, will be made available for public inspection at the time the writing is distributed to the Board of Directors. Any such writing will be available for public inspection at the District offices located at 3179 35th Street West, Rosamond, CA 93560. In addition, any such writing may also be posted on the District's web site.

Respectfully submitted:

RCSD Board of Directors

Board Secretary

**SEWER COMMITTEE MEETING OF THE
BOARD OF DIRECTORS
ROSAMOND COMMUNITY SERVICES DISTRICT**

5:00 PM Sewer Committee Meeting
Monday July 31 , 2023
District Conference Room
3179 35th Street West
Rosamond, CA 93560

Teleconference #
1-877-411-9748
Access Code: 5150560

Minutes

CALL TO ORDER

The meeting was called to order at 5:02 PM by Director Webb.

ROLL CALL

Director Rick Webb Present
Vice President Ben Stewart Present

General Manager Kim Domingo Present
Board Secretary/Dir. of Administration Sherri Timm Present
John Houghton Director of Public Works Present

PUBLIC COMMENTS

(At this time, any person may address the Committee on any subject within the District’s jurisdiction which is not on the agenda. However, any non-agenda matter will be referred to staff for a report and/or action at a subsequent Committee meeting and no action can be taken on any such item discussed unless the action has been authorized under §54954.2(b) of the Government Code. Any person may also address the Committee on any agenda matter at the time that matter is discussed, prior to Committee consideration and action. Speakers are requested to limit comments to five (5) minutes.

None.

DISCUSSION

D 1. Sewer System Management Plan Report by Fischer Compliance.

(Presenter John Houghton)

The results of the audit has been reported. The final report is due by Thursday August 4, 2023. A meeting has been scheduled with Fischer Compliance on August 4, 2023 at 1:30 PM to review and finalize the report. The final report will be brought back to the Sewer Committee for review.

ADJOURNMENT

A motion to adjourn at 5:38 PM was made by VP Stewart and seconded by Director Webb.

Requirements Regarding Disabled Access: In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the RCSD Board Secretary at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. Please contact the Board Secretary by telephone at (661) 256-5808, Email: stimm@rosamondcsd.com or in writing at the Rosamond Community Services District, Attn: Board Secretary 3179 35th Street West, Rosamond, CA 93560. Pursuant to Government Code Section 54957.5, any writing that: (1) is a public record; (2) relates to an agenda item for an open session of a regular meeting of the Board of Directors; and (3) is distributed less than 72 hours prior to that meeting, will be made available for public inspection at the time the writing is distributed to the Board of Directors. Any such writing will be available for public inspection at the District offices located at [3179 35th Street West, Rosamond, CA 93560](#). In addition, any such writing may also be posted on the District’s web site.

Respectfully submitted:

RCSD Board of Directors

Board Secretary

STAFF REPORT

Rosamond Community Services District

DATE: August 9, 2023
TO: Board of Directors
FROM: Kim Domingo, General Manager
Subject: Resolution 2023-12 Amending Ordinance 92-6 to Establish a Policy Providing for Water and Sewer Connection for Accessory Dwelling Units

RECOMMENDATION:

Approve Resolution 2023-12 adopting a policy regarding water connection, water acquisition, sewer connection and water conservation fees for Accessory Dwelling Units.

BACKGROUND:

At the July 26, 2023 Regular Board Meeting, the Board considered this item. Staff recommended and the Board approved that the item should be postponed to the August 9, 2023 Regular Board Meeting for consideration of comments received.

In response to a statewide housing shortage, the State of California has enacted several pieces of legislation to encourage the development of Accessory Dwelling Units (ADUs). An ADU is accessory to a primary residence and has complete independent living facilities for one or more persons. To assist local agencies with their responsibilities with relation to the ADU laws, the California Department of Housing and Community Development has prepared a handbook.

ADUs can be constructed within existing dwellings and accessory structures or as a new accessory structure. In promoting the development of ADUs, the law prohibits water and sewer providers from the imposition of connection and impact fees except in specific cases where there is a new and separate connection to the water and/or sewer facilities to serve the ADU, provided that the ADU is not constructed within an existing dwelling or accessory structure. The requirement for a new and separate connection can be determined by a providing agency, such as the District.

The District does not currently have a policy regarding how an ADU may be connected to District services. Staff consulted the handbook to establish the proposed policy and subsequently received a comment letter from an attorney representing a developer with immediate interest in the policy. The District intent is to fully follow state law while protecting the interests of its current customers.

Ordinance 92-6 and its subsequent modifications via ordinance and resolution establishes the requirements for connection to the District. The resolution amends the ordinance so that ADU's are addressed in a manner which is consistent with State law and does not supersede any previous policy adoption in effect.

ANALYSIS:

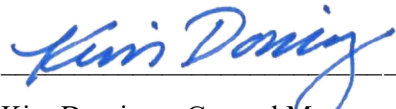
The policy fairly treats ADUs with minimal impact to existing customers and complies with state law.

FISCAL REVIEW:

None

CONCLUSION:

A policy is needed to address upcoming developments considering an ADU component.



Kim Domingo, General Manager



Sherri Timm, Director of Administration

ATTACHMENTS:

Resolution 2023-12 with attached Exhibit 1
Comment Letter

**ROSAMOND COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2023-12**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
ROSAMOND COMMUNITY SERVICES DISTRICT
AMENDING ORDINANCE 92-6 TO ESTABLISH A POLICY
FOR THE CONNECTION OF ACCESSORY DWELLING
UNITS TO WATER AND SEWER SERVICES**

WHEREAS, the Rosamond Community Services District (“District”) is a public agency of the State of California formed by the Community Services District Law under Section 61000 et seq. of the Government Code; and

WHEREAS, pursuant to Section 61045(g) of the Government Code, the Board of Directors shall adopt policies for the operation of the District including, but not limited to, administrative, finance, operation and personnel policies; and

WHEREAS, the State of California has adopted legislation encouraging the development of Accessory Dwelling Units in response to a statewide housing shortage; and

WHEREAS, the District does not have a policy to specifically address Accessory Dwelling Units and the associated fees required to connect to the water and sewer systems; and

WHEREAS, portions of Ordinance 92-6, which establish the District's policies, rules, and regulations with respect the operation of and connection to water and sewer services, was last modified by Resolution 2023-2, dated April 12, 2023, pending passage of a new ordinance that addresses water and sewer use; and

WHEREAS, the Board desires to amend Ordinance 92-6 to establish a policy for the connection of Accessory Dwelling Units to water and sewer services and comply with State law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Rosamond Community Services District as follows:

- 1.0. Modification of Existing Policy. Ordinance 92-6 is amended to include:
 - A. Under Section 1.04, Definitions: “WW. “Accessory Dwelling Unit (ADU)” means a new structure accessory to a primary residence that has complete independent living facilities for one or more persons. The policy for the calculation and application of water connection, water acquisition, sewer connection and conservation fees for an ADU are found in Exhibit B.”
 - B. Exhibit 1: “Ordinance 92-6, Exhibit B, Policy for the Calculation and Application of Water Connection, Water Acquisition, Sewer Connection and Conservation Fees”
- 2.0. Severability. If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be af-

fectured thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

- 3.0. Effective Date. This Resolution shall become effective immediately upon its adoption.
- 4.0. Incorporation of Recitals. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.
- 5.0. Force and Effect. This Resolution supersedes any previous resolutions which are in direct conflict.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Rosamond Community Services District held this 9th day of August, 2023.

By: _____
Board of Directors
Rosamond Community Services District

ATTEST:

By: _____
Secretary, Board of Directors
Rosamond Community Services District

“EXHIBIT 1”

Ordinance 92-6
Exhibit B

Policy for the Calculation and Application of Water Connection,
Water Acquisition, Sewer Connection and Conservation Fees
for Accessory Dwelling Units

Reference

An Accessory Dwelling Unit (ADU) for purposes of fee calculation is defined under Section 1.04.WW of this Ordinance.

Proportional Impact

The following calculation shall be used to determine the proportional impact of the ADU on the water and sewer systems:

For parcels with an existing single family dwelling:

$$PI = SF(ADU) / SF(SFD), \text{ where}$$

SF(ADU) = ADU square footage, and

SF(SFD) = Single family dwelling square footage

For parcels with an existing multi-family dwelling:

$$PI = SF(ADU) / SF(MFU), \text{ where}$$

SF(ADU) = ADU square footage, and

SF(MFU) = the multi family unit average square footage for a single unit

Fee Calculation

A Water Acquisition Fee due to the Antelope Valley Groundwater Adjudication shall be charged for the ADU using the following formula:

Water Acquisition Fee = $PI \times 0.43 \times \$13,000$, for parcels with an existing single-family dwelling

Water Acquisition Fee = $PI \times 0.24 \times \$13,000$, for parcels with an existing multi-family dwelling

As an alternative to payment of the Water Acquisition Fee, the applicant may provide water rights equivalent to $PI \times 0.43$ acre-feet per year (AFY) for existing single-family dwellings or $PI \times 0.24$ AFY for existing multi-family dwellings.

A Water Connection Fee shall be charged for the ADU using the following formula:

$$\text{Water Connection Fee} = PI \times \$13,159.32$$

A Sewer Connection Fee shall be charged for the ADU using the following formula:

$$\text{Sewer Connection Fee} = PI \times \$9,274.19$$

A Conservation Fee shall be charged for the ADU using the following formula:

Conservation Fee = PI x \$1,650, for parcels with an existing single-family dwelling

Conservation Fee = PI x \$1,545, for parcels with an existing multi-family dwelling

Exceptions

1. For those ADUs that are less than or equal to 750 square feet, no Conservation Fee shall be charged.
2. For those ADUs that utilize the existing water meter and sewer lateral serving the existing single-family dwelling or multi-family dwelling, no Water Connection Fee, Sewer Connection Fee or Conservation Fee shall be charged, provided Exception 3 does not apply.
3. A new accessory structure constructed with a new single-family dwelling or multi-family dwelling for the sole purpose of subsequent construction of an ADU may be required to install separate water and sewer connections to the District systems and pay all the described fees in this policy at the time of accessory structure construction. The District shall determine the required connection(s) on a case-by-case basis. A developer shall not be allowed to circumvent the intent of a fee exemption by delaying the construction of the ADU that was planned concurrently with the new construction.

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
865 South Figueroa Street, Suite 2800 | Los Angeles, CA 90017-2543
Telephone: 213.622.5555 | Facsimile: 213.620.8816
www.allenmatkins.com

Eoin McCarron
E-mail: emccarron@allenmatkins.com
Direct Dial: 2139555618 File Number: 392296.00004/4877-9554-8016.1

Via Electronic Mail

July 21, 2023

Board of Directors
Rosamond Community Services District
3179 35th Street West
Rosamond, California 93560

Re: Public Comment on Rosamond Community Services District Draft Accessory Dwelling Unit Ordinance

To Whom It May Concern:

Allen Matkins is counsel to Rosamond 5 Properties, LLC and provides below, on its behalf, comments regarding the proposed Accessory Dwelling Unit Ordinance (the “**ADU Ordinance**”) of the Rosamond Community Services District (“**RCSD**” or the “**District**”), a copy of which is attached hereto as Exhibit A. We appreciate this opportunity to provide feedback in advance of the July 26, 2023, meeting of the District’s Board of Directors and look forward to engaging further with RCSD staff as this important effort progresses.

Outlined below are comments and suggestions intended to ensure the ADU Ordinance complies with state law governing water and sewer connection fees and capacity charges¹ as they apply to accessory dwelling units (“**ADUs**”). (*See* Gov. Code, §§ 65852.2; 65852.22 [“**State ADU Law**”].)

I. Total Square Footage is Irrelevant to the Applicability of Connection Fees.

The ADU Ordinance suggests that the total square footage of an ADU is a factor relevant to the applicability of a sewer or water connection fee. This is not consistent with the requirements set forth in the State ADU Law.

Government Code section 65852.2(f)(3)(A) exempts ADUs 750 square feet (“**sf**”) and smaller from “development impact fees.” However, development impact fees, as defined, **do not include** sewer and water connection fees like those proposed by the District. (Gov. Code, § 65852.2(f)(3)(B) (“Impact fee’ does not include any connection fee or capacity charge charged by . . . a special

¹ To ease District staffs’ review of this letter we refer to connection fees and capacity charges simply as connection fees.

RCSD Board of Directors

July 21, 2023

Page 2

district”).) Given this, the ADU Ordinance’s use of 750 sf in area as a distinguishing factor in the applicability of connection fees is improper. We recommend the District remove all references to this 750 sf threshold as it applies only in the context of impact fees.

II. The District Is Prohibited from Imposing Connection Fees in Certain Instances.

The Draft Ordinance suggests that whether a particular ADU is exempt from District connection fees is a function of whether (i) the ADU in question is served by an existing water meter and sewer lateral and (ii) whether the ADU is constructed concurrently with a single-family or multi-family dwelling. This two-pronged approach fails to align with the text of the State ADU Laws.

A. A Connection Fee is not Permitted if an ADU is Constructed “Within” a Home or Accessory Structure.

ADUs (i) constructed entirely within an existing single-family home or other accessory structure under Government Code section 65852.2(e)(A) and (ii) not constructed with a new single-family dwelling are exempt from any requirement to install a new or separate sewer or water connection (although a developer may still opt to do so) and are exempt from water or sewer connection fees, like those proposed here. (*See* Gov. Code, § 65852.2(e)(1)(A), (f)(4).) For example, an ADU constructed within the boundaries of an existing detached accessory structure, like a garage, would be subject to water or sewer connection fees. This would be the case even if that ADU had its own water meter and sewer lateral.

As drafted, the ADU Ordinance would apply a water or sewer connection fee to *any* ADU with its own water meter and/or sewer lateral. This requirement conflicts with the exemptions from connection fees set forth under State ADU Law and described immediately above.

B. A Connection Fees is Not Permitted if an ADU Lacks a Direct Connection to a Utility.

ADUs that are not constructed within an existing single-family home or other accessory structure are subject to a water or sewer connection fee *only if* connected directly to a utility. (*See* Gov. Code, § 65852.2(f)(A)(5) (“[a] special district . . . may require a new or separate utility *connection* . . . [and] the *connection* may be subject to a connection fee or capacity charge” (emphasis added).) Thus, it is the connection directly to the utility, rather than the construction of the ADU itself, that triggers the ability of a special district, like RCSD, to impose a connection fee. Thus, RCSD can impose a connection fee for a detached ADU *only if* that ADU is connected directly to the District’s water and/or sewer lines. RCSD is not authorized under state law to impose a connection fee if an ADU is constructed independent of an existing single-family home or accessory structure but obtains water or sewer service via the primary home’s utility connection.

Furthermore, unlike an ADU constructed within an existing single-family home or accessory structure, a detached ADU constructed separate from an existing structure does not automatically

RCSD Board of Directors

July 21, 2023

Page 3

become subject to a connection fee if it is constructed with a single-family residence. (*Compare* Gov. Code, § 65852.2(f)(A)(4) (specifying such a restriction in the case of ADUs within existing structures) *with* Gov. Code, § 65852.2(f)(A)(5) (failing to specify such a restriction in the case of ADUs separate from existing structures).) This conclusion is confirmed in a technical assistance letter prepared by the Department of Housing and Community Development (“HCD”), the agency responsible for enforcing State ADU Laws. (HCD, RE: Ojai Valley Sanitary District’s ADU Fees and Charges – Letter of Technical Assistance, p. 2 (see section describing ADUs for which a connection fee may be charged).) For your reference, a copy of HCD’s technical assistance letter is attached hereto as Exhibit B.

As drafted, the ADU Ordinance suggests a water or sewer connection fee may be charged by the District whenever a free standing ADU (as opposed to an ADU within an existing structure) is constructed *with* a single-family home. This requirement conflicts with the exemptions from connection fees set forth under State ADU Law which are subject to no such limitation. (*See* Gov. Code, § 65852.2(f)(A)(5).)

III. Conclusion.

We recognize the challenges inherent in crafting a regulatory framework implementing a set of state laws that are constantly evolving and that have yet to be implemented within the District’s service area. We commend staff for their efforts. Nevertheless, we respectfully request that staff make the clarifications set forth above and address the current draft’s inconsistencies with state law. We hope that the analysis and suggestions provided are helpful and we appreciate future opportunities to engage with RCSD to ensure the ADU Ordinance is fully compliant with state law.

Very truly yours,

Eoin D. McCarron

Eoin D. McCarron

ELM:em

EXHIBIT A

Rosamond Community Services District
Accessory Dwelling Unit Policy
Exhibit A of Ordinance 2023-X

An Accessory Dwelling Unit (ADU) is defined as a detached supplementary dwelling unit on a lot with an existing or proposed single family dwelling or multi-family dwelling.

Proportional Impact

The following calculation shall be used to determine the proportional impact of the ADU on the water and sewer systems:

For parcels with an existing single family dwelling:

$$PI = SF(ADU) / SF(SFD), \text{ where}$$

SF(ADU) = ADU square footage, and
SF(SFD) = Single family dwelling square footage

For parcels with an existing multi-family dwelling:

$$PI = SF(ADU) / SF(MFU), \text{ where}$$

SF(ADU) = ADU square footage, and
SF(MFU) = the multi family unit average square footage for a single unit

Fee Calculation

A Water Acquisition Fee due to the Antelope Valley Groundwater Adjudication shall be charged for the ADU using the following formula:

Water Acquisition Fee = $PI \times 0.43 \times \$13,000$, for parcels with an existing single family dwelling
Water Acquisition Fee = $PI \times 0.24 \times \$13,000$, for parcels with an existing multi-family dwelling

A Water Connection Fee shall be charged for the ADU using the following formula:

$$\text{Water Connection Fee} = PI \times \$13,159.32$$

A Sewer Connection Fee shall be charged for the ADU using the following formula:

$$\text{Sewer Connection Fee} = PI \times \$9,274.19$$

A Conservation Fee shall be charged for the ADU using the following formula:

Conservation Fee = $PI \times \$1,650$, for parcels with an existing single family dwelling
Conservation Fee = $PI \times \$1,545$, for parcels with an existing multi-family dwelling

Exemptions

For those ADU's that are less than or equal to 750 square feet and meet both of the following conditions, no Water Connection Fee, Sewer Connection Fee, or Conservation Fee shall be charged:

1. The ADU is served by an existing water meter and sewer lateral serving the existing single family dwelling or multi-family dwelling.

2. The ADU is not constructed concurrently with a new single family dwelling or multi-family dwelling. The District shall determine concurrence on a case-by-case basis. A developer shall not be allowed to circumvent the intent of the fee exemption by delaying the construction of the ADU that was planned concurrently with the new construction.

For those ADU's that are greater than 750 square feet and meet both of the following conditions, no Water Connection Fee or Sewer Connection Fee shall be charged:

1. The ADU is served by an existing water meter and sewer lateral serving the existing single family dwelling or multi-family dwelling.
2. The ADU is not constructed concurrently with a new single family dwelling or multi-family dwelling. The District shall determine concurrence on a case-by-case basis. A developer shall not be allowed to circumvent the intent of the fee exemption by delaying the construction of the ADU that was planned concurrently with the new construction.

DRAFT

EXHIBIT B

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

GAVIN NEWSOM, Governor



November 23, 2020

Jeff Palmer
General Manager
Ojai Valley Sanitary District
1072 Tico Road
Ojai, CA 93023

Dear Jeff Palmer:

RE: Ojai Valley Sanitary District's Accessory Dwelling Unit (ADU) Fees and Charges – Letter of Technical Assistance

The purpose of this letter is to provide technical assistance to the Ojai Valley Sanitary District (OVSD or District) regarding the development of legally permissible connection fees and capacity charges as applied to accessory dwelling units (ADUs) under the State ADU Law (Gov. Code, §§ 65852.2, 65852.22.) during the current housing crisis. The California Department of Housing and Community Development (HCD) appreciates that the changes in the law are complicated and have been evolving quickly in recent years. HCD hopes that the following technical assistance is useful to the District and assists OVSD in expeditiously bringing its practices and regulations into compliance with state law.

Most of the mandates contained in State ADU Law apply to local agencies (cities, counties, or cities and counties) rather than districts (Gov. Code, § 65852.2, subd. (j)(5).) There are key provisions of State ADU Law that apply to districts, however. These sections delineate the permissible connection fees or capacity charges for a new ADU. State ADU Law places significant limits on two kinds of fees: (1) impact fees and (2) connection fees and capacity charges. OVSD's regulations and practices appear to exceed the limitations on the latter. These fees are prohibited in some cases and limited in others.

ADUs for which no separate "connection" may be required and no connection fee or capacity charge may be imposed

ADUs constructed entirely within an existing single family home or other accessory structure that satisfies the requirements of Government Code section 65852.2, subdivision (e), are exempt from any requirement to install a new or separate sewer connection; they are also exempt from connection fee or capacity charge (Gov.

Code, § 65852.2, subds. (e)(1)(A) and (f)(4). See also HCD's ADU Handbook¹ (September 2020, at pp. 13-14.) OVSD's regulations appear to acknowledge these mandates under state law (District Code of Regulations, Chapter 3, s. 301.4.).

ADUs for which a "connection" or "capacity" fee may be charged

ADUs that are not described in Government Code section 65852.2, subdivision (e), may be subject to a new utility connection directly between the ADU and the utility. If such a connection is mandated, then a fee or charges may be imposed but shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed. (Gov. Code, § 65852.2, subd. (f)(5) and Gov. Code, § 66013.) State ADU Law places two important restrictions on the imposition of such fees or charges:

- (1) State ADU Law expressly prohibits local agencies, special districts, and water corporations from considering ADUs as a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer services. (Gov. Code, § 65852.2, subd. (f).)
- (2) State ADU Law prescribes in detail the method by which the fees may be calculated and assessed. Such fees may be assessed only proportionate to the burden of the ADU based upon its "*square feet or the number of its drainage fixture unit (DFU) values.*" (Gov. Code, § 65852.2, subd. (f)(5).)

The effect of these two provisions is that the District may not treat an ADU the same as it would a single-family home and charge the same fee. In this context, "proportionate" is to be determined in comparison to a similar fee for a single-family dwelling (Gov. Code, § 65852.2, subd. (f)(5); HCD's Accessory Dwelling Unit Handbook September 2020, at pp. 13-14.). Thus, for example, using a square-foot approach, a capacity fee for a 1,000 square foot ADU would be expected to be about half of the capacity fee for a 2,000 square foot single family home. Likewise, using a drainage-fixture approach, an ADU with 10 drainage fixtures would be charged about one-third of the capacity fee of a single-family home with 30 drainage fixtures. (See HCD's ADU Handbook September 2020, at pp. 13-14.)

The District's regulations do not comply with these requirements and thus appear to be impermissible. While the District's regulations apply a drainage-fixture approach for commercial uses, they treat all residential uses equally. (Compare, for instance, District Code of Regulations, Chapter 3, s. 301.12.1 with s. 301.12.2.) This is true for Treatment Plant Capacity Charges (s. 301.11.1), for Truck Sewer Capacity Charges (s. 301.12.1), and Local Sewer Capacity Charges (s. 301.13.1). There is no suggestion in the regulations that fees or charges are based on the proportionate burden based on either square feet or drainage feature units for

¹ HCD's ADU Handbook can be referenced here: <https://www.hcd.ca.gov/policy-research/docs/adu-ta-handbook-final.pdf>.

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ADUs. Rather, single family homes and ADUs are treated interchangeably. This appears to be borne out in the District's practices; as HCD understands it, the District charges a combined connection fee of roughly \$16,000 for all residential uses, including ADUs, regardless of their size or their proportionate burden on the district using the methodology prescribed by law. The District's regulations and current fee structure is not legally sound, subjects the District to significant legal risk, is serving as a significant impediment to housing in this current housing crisis, and must be modified to conform to statute.

We appreciate the District's efforts to comply with State ADU Law and welcome the opportunity to assist the District in fully and expeditiously complying with State ADU Law. Please feel free to contact Greg Nickless, of our staff, at (916) 274-6244 or greg.nickless@hcd.ca.gov.

Sincerely,



Shannan West
Land Use & Planning Unit Chief

cc: Robert N. Kwong
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