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BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF FRESNO  
STATE OF CALIFORNIA

IN THE MATTER OF ADOPTING INCREASED )  
WATER SERVICE FEES FOR COUNTY ) RESOLUTION  
SERVICE AREA NO. 30 (EL PORVENIR) )

WHEREAS, in accordance with California Constitution Article XIID, Section 6, which is part of Proposition 218 (Right to Vote on Taxes Act of 1996), and Government Code sections 53755 and 53756 of The Proposition 218 Omnibus Implementation Act, the Department of Public Works and Planning (the Department), through the Director of Public Works and his or her designees (the Director), initiated the process to seek increased water service fees for County Service Area No. 30 (CSA 30), which consists of a total of 56 parcels, which is composed of 54 residential parcels located within CSA 30 and two residential out-of-district parcels (i.e., outside of CSA 30), all of which properties are water users (collectively, CSA 30 water users) of the CSA 30 community water system; and

WHEREAS, the CSA 30 community water system, which is funded by water service fees paid by CSA 30 water users, includes individual water meters at each connection, a pipeline distribution system, and a surface water treatment plant (SWTP); and

WHEREAS, the County, on behalf of CSA 30, currently obtains surface water from the Westlands Water District (Westlands), which charges a commodity charge to the County for providing such surface water to CSA 30; and

WHEREAS, the increased water service fees set forth in this resolution are restructured into monthly water service fees with two components: a base component for the cost to operate and maintain the CSA 30 community water system; and a variable component to be charged for variable operation costs and water consumption by CSA 30 water users; and

WHEREAS, the base component of such proposed increased water service fees also includes payments of CSA 30's negative cash balance of water services fees that have been held by the County, and not yet charged to CSA 30 customers (and interest thereon due to non-collection), for multiple years (total of \$477,790.92); and

1           WHEREAS, under the Board of Supervisors policies adopted on November 7, 2006, and  
2 November 10, 2009, each County Service Area, including CSA 30, is required to have a minimum  
3 cash reserve of a minimum of 50% of the average of the last three fiscal years' annual operation  
4 costs (Board Reserve Policies); and

5           WHEREAS, the base component of such proposed increased water service fees also  
6 includes payments that would allow CSA 30 to build a minimum cash reserve in the amount of  
7 \$193,000 (total amount based on 5 years of \$38,600/year), which is intended to cover a certain  
8 amount of unanticipated expenses, as required by the Board Reserve Policies; and

9           WHEREAS, as part of the process to seek and increase water service fees for CSA 30, a  
10 written notice of the proposed increased water service fees (Notice), was duly and timely sent by  
11 the County, by First Class United States mail, on May 5, 2023, to the record owners of each  
12 identified parcel, as shown on the last equalized assessment roll, upon which the increased water  
13 service fees is proposed for imposition, and to each tenant listed on the County's CSA 30 bill  
14 register, in accordance with the provisions of California Constitution Article XIID, Section 6; and

15           WHEREAS, the Notice, which was so mailed on May 5, 2023, stated: (a) the amounts of  
16 the proposed increases in water service fees to be imposed upon each such parcel, and explained  
17 how those amounts would be applied to each such parcel; (b) the basis upon which the amounts  
18 of the proposed increases in water service fees were calculated with reference to the Engineer's  
19 Report referenced herein; (c) the reasons for the proposed increases in water service fees; (d)  
20 the dates, times, and locations of the public meeting referenced therein with respect to the  
21 proposed increases in water service fees; (e) the date and time and location of the public protest  
22 hearing before the Board of Supervisors with respect to the proposed increases in water service  
23 fees; and (f) instructions for how property owners (including their tenants) receiving water service  
24 from CSA 30 may submit timely, valid, written protests against the proposed increases in water  
25 service fees; and

26           WHEREAS, as stated in the Notice, which was so mailed on May 5, 2023, the proposed  
27 increases in water services fees are set forth in detailed tables with explanatory notes, and the  
28 Notice referred all interested persons to the completed and available County Service Area 30

1 Water Rate Analysis report, dated April 28, 2023 (the Engineer’s Report), prepared by Provost &  
2 Pritchard (P&P) Consulting Group, which Engineer’s Report includes, among other things, a  
3 detailed explanation of the basis upon which the amounts of the proposed increases in water  
4 service fees, including their rates, were calculated; the Engineer’s Report can be found online at  
5 the County web address stated therein, or otherwise in hardcopy upon request of the County; and

6 WHEREAS, the Notice, which was so mailed on May 5, 2023, also stated that the County  
7 secured grant funds from the State Water Resources Control Board for constructing new  
8 groundwater supply wells to replace existing SWTP facilities, and that the County is in the process  
9 of constructing such new groundwater wells and distribution infrastructure (collectively, the  
10 groundwater wells); those grant funds are used solely for that purpose, and do **not** reduce, offset,  
11 or adjust the proposed increased water service fees in the Notice; and

12 WHEREAS, the new groundwater wells will supply the CSA 30 water system, and, as a  
13 result thereof, the County presently anticipates that the source of water for CSA 30 will change  
14 from surface water to groundwater with the present estimate for switching such water source as  
15 July 1, 2025—subject to approval to begin operation by the State Water Resources Control Board;  
16 and

17 WHEREAS, the increases in water service fees as set forth in **Attachment A, CSA 30**  
18 **Increased Water Service Fees**, to this resolution (as referenced in Section 3), beginning July 1,  
19 2023 and increasing each year, as provided herein, for each annual period beginning July 1 of a  
20 year through June 30 of the following year through and including June 30, 2028, include water  
21 service fees for surface water (also known as a commodity charge) and for groundwater based  
22 on the assumption that the groundwater wells will be completed on schedule by July 1, 2025;  
23 however, if such completion is earlier or later than such assumed completion date, then  
24 regardless of such assumed completion date, the following shall apply, as applicable:

- 25 • If such completion is earlier than such assumed completion date, then the increased water  
26 service fees for groundwater (assumed to be effective July 1, 2025), as stated in Tables  
27 3 and 4 in Attachment A, shall instead be effective upon such earlier actual completion  
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1 and ability for CSA 30 to deliver groundwater, and shall increase, as stated in such Tables  
2 3 and 4.

- 3 • But if such completion is later than such assumed completion date, then the increased  
4 water service fees for surface water shall continue and shall increase as stated in Tables  
5 1 and 2 in Attachment A, and the increased water service fees for groundwater, as stated  
6 in Tables 3 and 4 in Attachment A, shall be effective in the applicable year, upon such  
7 actual completion, and ability for CSA 30 to deliver groundwater, and shall continue to  
8 increase, as stated in such Tables 3 and 4.

9 WHEREAS, the Notice, which was so mailed on May 5, 2023, stated that proposed  
10 increased water service fees do not include any reduction, offset, or adjustment for any possible  
11 funding that the Department is attempting to obtain from other agencies, such as the State, or any  
12 County relief, including but not limited to any reduction, forgiveness, elimination, or further deferral  
13 of collection of CSA 30's negative cash balance of water services fees that have been held by the  
14 County (and interest thereon due to non-collection), and not yet charged to CSA 30, for multiple  
15 years; and

16 WHEREAS, on May 3, 2023, at 4:00 P.M., the Department conducted a public meeting at  
17 the Three Rocks Park located at the intersection of West El Progreso Avenue and West Hidalgo  
18 Avenue in El Porvenir, California, to provide members of the public (including property owners  
19 (including any tenant of their property) receiving water service from CSA 30) an opportunity to  
20 provide relevant testimony to County staff and to ask questions and provide comments about the  
21 proposed increases in water service fees they would find in the Notice mailed on May 5, 2023;  
22 and

23 WHEREAS, on June 13, 2023, at 5:00 P.M., the Department conducted a second public  
24 meeting at the Three Rocks Park located the intersection of West El Progreso Avenue and West  
25 Hidalgo Avenue in El Porvenir, providing another opportunity for the public (including property  
26 owners (including any tenant of their property) receiving water service from CSA 30) to provide  
27 relevant testimony to County staff and ask questions and provide comments about the proposed  
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1 increases in water service fees in the Notice; and

2 WHEREAS, at such public meeting, Department staff made their presentations, received  
3 testimony, questions, and comments from such members of the public, and responded to their  
4 questions and comments; and

5 WHEREAS, a public protest hearing was held on June 20, 2023, at 9:30 A.M. (or as soon  
6 as possible thereafter as the Board of Supervisors (the Board) could hold such hearing), before  
7 the Board, at which time a full and fair opportunity was provided for public comment, objections,  
8 and submission to the Board of written protests against the proposed increased water services  
9 fees by owners of property (also referred to above as the record owners of each identified parcel,  
10 upon which the increased water service fees is proposed for imposition) (including their tenants),  
11 receiving water service from the CSA 30 community water system; and

12 WHEREAS, following the closure of the public protest hearing, as directed by the Board,  
13 the Clerk of the Board of Supervisors or her designees tabulated the written protests submitted  
14 against the proposed increased water services fees, and the Board found that a majority of owners  
15 of property (also referred to above as the record owners of each identified parcel, upon which the  
16 increased water service fees is proposed for imposition)(including their tenants) receiving water  
17 service from the CSA 30 community water system did **not** submit written protests against the  
18 proposed increases in water service fees for CSA 30 as set forth in the Notice; and

19 WHEREAS, such tabulation, and the Board's consideration of the timeliness and validity  
20 of all written protests submitted, and all objections, if any, and such submitted written protests  
21 were duly and regularly conducted.

22 THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO THEREFORE  
23 RESOLVES AS FOLLOWS:

24 **Section 1.** All of the foregoing recitals are true and correct.

25 **Section 2.** Any objections made to the Board, including but not limited to the regularity of  
26 the proceedings that are the subject of this resolution, are hereby overruled by the Board. The  
27 Board hereby finds that there is **no majority protest** against the proposed increases in water  
28 service fees for CSA 30 as set forth in the Notice, which was so mailed on May 5, 2023.

1           **Section 3.** The increased monthly water service fees for CSA 30, including a base  
2 component and a variable component, beginning **July 1, 2023 and continuing to increase**  
3 **through and including June 30, 2028**, are hereby adopted, approved and authorized by the  
4 Board, and shall be imposed and increased to their full amounts, as and when stated in Tables 1  
5 through 4 of **Attachment A, CSA 30 Increased Water Service Fees**, which is attached hereto  
6 and incorporated herein by this reference. Without limiting the foregoing provision in this Section  
7 3, (a) the increased water service fees in Tables 3 and 4 of Attachment A are dependent on  
8 whether and when CSA 30 is able to transition from surface water usage to groundwater usage;  
9 (b) the increased water service fees in Tables 1 and 2 of Attachment A shall be the increased  
10 water service fees unless and until actual completion of the groundwater wells, and ability for CSA  
11 30 to deliver groundwater to CSA 30 water users, as determined by the Director, in his or her sole  
12 discretion, (c) in the event of such actual completion and ability to deliver groundwater, as  
13 determined by the Director, the Tables 3 and 4 of Attachment A shall thereupon be the increased  
14 water services fees for CSA 30, and all such increased water service fees in Tables 3 and 4 of  
15 Attachment A shall be collected from CSA water users without the necessity of any further action  
16 of the Board, **provided however**, in the event that there are any third-party (e.g., other agency)  
17 sources of funds that may be obtained by the County to reduce property owners' (including their  
18 tenants') payments of the increased water services fees that may be imposed under this  
19 resolution, the Director shall promptly seek, and thereby obtain, the authority of the Board to apply  
20 such amounts, as they may be used, to reduce the increased water service fees that may be  
21 imposed under this resolution, and upon receiving such authority of the Board, the Director shall  
22 promptly thereafter so apply such amounts and inform the CSA 30 water users (in writing in such  
23 form the Director so determines) of such amounts so applied or to be applied, **provided further**  
24 **however**, nothing in this resolution, including this Section 3 shall mean or be interpreted to mean  
25 that the Board's adoption of this resolution is conditioned or premised on the receipt or expectation  
26 of receipt any third-party (e.g., other agency) sources of funds that may be obtained by the County  
27 to reduce property owners' (including their tenants') payments of the increased water services  
28 fees that may be imposed under this resolution.



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THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 20th day of June, 2023, to-wit:  
AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero  
NOES: None  
ABSENT: None  
ABSTAINED: None

BY Sal Quintero  
Sal Quintero, Chairman of the Board of Supervisors of the County of Fresno

**Attest:**  
Bernice Seidel  
Clerk of the Board of Supervisors  
County of Fresno, State of California

BY Hannah  
Deputy

**FOR ACCOUNTING USE ONLY**  
Org: 9170  
Fund: 0800  
Subclass: 16000  
Account: 7010, 7070, 7101, 7205, 7220, 7250, 7268, 7287, 7295, 7296, 7430

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**Attachment A**  
**CSA 30 Increased Water Service Fees**