



**REGULAR BOARD MEETING**  
**Thursday, August 3, 2023, at 6:00 PM**

**SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY**

This meeting of the Board of Directors of the Helendale Community Services District is Open to the public both in-person at the District Office located at 26540 Vista Road, Suite C, Helendale, California, and via teleconference by clicking the following link: [www.zoom.com](https://www.zoom.com) Meeting ID 463 173 8547 Passcode: HCSD. (Dial-in instructions will be provided after registering at the link)

**Call to Order - Pledge of Allegiance**

- 1. Discussion and Possible Action Regarding Director Remote Participation pursuant to AB2449 (Government Code Section 54953(f))**
  - a. Notification due to Just Cause
  - b. Request due to Emergency Circumstances

**2. Approval of Agenda**

**3. Public Participation**

*Anyone wishing to address any matter pertaining to District business listed on the agenda or not, may do so at this time. However, the Board of Directors may not take action on items that are not on the agenda. The public comment period may be limited to three (3) minutes per person. Any member wishing to make comments may do so by filling out the speaker's card in person or using the "raise the hand" or "chat" feature. If viewing remotely a speaker's card may be filled out at the following link: <https://www.surveymonkey.com/r/HKGNLL8> or use the features referenced above. The District requests that all speaker cards be submitted at any time prior to the close of public participation.*

**4. Consent Items**

- a. Approval of Minutes: June 15, 2023, Regular Board Meeting
- b. Bills Paid Report

**5. Reports**

- a. Directors' Reports
- b. General Manager's Report

**Special Presentation**

- 6. San Bernardino County Fire Station 4, Helendale Budget**

**Regular Business:**

- 7. Discussion and Possible Action Regarding Approval of Directors' Expense Reports**
- 8. Public Hearing to Receive Comments Regarding Possible Adoption of Resolution 2023-20: A Resolution of the Board of Directors of the Helendale Community Services District Authorizing the Establishment and Continuation of Collection of Water and Sewer Standby Charges for Fiscal Year 2024**

9. Public Hearing to Receive Comments Regarding Possible Adoption of Resolution 2023-22: A Resolution of the Board of Directors of the Helendale Community Services District Confirming, or Modifying and Then Confirming, the Report of Delinquent Water, Sewer and Trash Collection User Charges for the Purpose of Collecting Said Charges on the San Bernardino County Tax Roll
10. Public Hearing to Receive Comments Regarding Possible Adoption of Resolution 2023-21: A Resolution of the Board of Directors of the Helendale Community Services District Authorizing the Establishment and Continuation of Collection of Refuse Disposal Land Use Fees for Fiscal Year 2024
11. Discussion and Possible Action Regarding Use of Property for Circus Event

**Other Business**

12. Requested items for next or future agendas (Directors and Staff only)

**Closed Session**

13. Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)  
One Potential Case
14. Conference with Real Property Negotiators  
(Government Code Section 54956.8)  
Property: 15302 Smithson Road  
District Negotiator: Kimberly Cox  
Negotiating Parties: Vertical Bridge  
Under Negotiation: Price and Terms of Payment

15. Report of Closed Session Item

16. Adjournment

*Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above agenda public meeting should be directed to the District's General Manager's office at (760) 951-0006 at least 24 hours prior to said meeting. The regular session of the Board meeting will be recorded. Recordings of the Board meetings are kept for the Clerk of the Board's convenience. These recordings are not the official minutes of the Board meetings.*



# Helendale Community Services District

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Date: August 3, 2023  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #1  
Discussion and Possible Action Regarding Director Remote Participation  
Pursuant to AB2449 (Government Code Section 54953(f))

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## **NOTIFICATION OF REMOTE BOARD MEETING ATTENDANCE**

Directors may not attend a meeting remotely on the basis of Just Cause or Emergency Circumstances for more than three consecutive months or more than 20% (up to four) meetings in a calendar year. A general description of the circumstances relating to the need to appear remotely at the meeting **must** be included.

### **JUST CAUSE**

Each Director is responsible for notifying the General Manager at the earliest opportunity possible (including at the start of a regular meeting) of the need to participate remotely for Just Cause. Remote participation for Just Cause reasons shall not be utilized by any Director for more than two meetings per calendar year.

#### **Just Cause means any of the following:**

- A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.
- A contagious illness that prevents a member from attending in person.
- A need related to a physical or mental disability not otherwise accommodated.
- Travel while on official business of the legislative body or another state or local agency.

A General description of the circumstances relating to the need to appear remotely at the meeting **MUST** be included.

### **EMERGENCY CIRCUMSTANCES**

Each Director is responsible for notifying the General Manager as soon as possible (preferably before posting of the agenda but up to the start of the meeting) of the need to participate remotely due to Emergency Circumstances.

**Emergency Circumstances means the following:** A physical or family medical emergency that prevents a member from attending in person.

A general description of the circumstances relating to the need to appear remotely at the meeting **must** be included. The general description of the circumstances does not require the member to disclose any medical diagnosis or disability, or any personal medical information that is already exempt under existing law, such as the Confidentiality of Medical Information Act.



# Helendale Community Services District

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Date: August 3, 2023  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #4  
Consent Items

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## CONSENT ITEMS

- a. Approval of Minutes: July 20
- b. Bills Paid Report





# Helendale Community Services District

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Date: August 3, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
BY: Cheryl Vermette  
SUBJECT: Agenda item #4a  
Minutes from Board meeting 7/20/2023

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*Minutes of the Helendale Community Services District  
REGULAR BOARD OF DIRECTORS MEETING  
July 20, 2023, at 6:30 PM  
26540 Vista Road, Suite C, Helendale, CA 92342*

**SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY**

This meeting of the Board of Directors of the Helendale Community Services District is open to the public both in-person at the District Office located at 26540 Vista Road, Suite C, Helendale, California, and via teleconference by clicking the following link: [www.zoom.com](https://www.zoom.com) Meeting ID 463 173 8547 Passcode: HCS D. (Dial-in instructions will be provided after registering at the link)

**Board Members Roll Call:**

**Present:** President Henry Spiller; Vice President Ron Clark; Secretary Sandy Haas; Director Annette Roper; Director George Cardenas

**Staff Members Present:**

Kimberly Cox, General Manager; Alex Aviles, Wastewater Operations Manager; Cheryl Vermette, Parks, Recreation & Programs Supervisor

**Consultants/Guests:**

San Bernardino County Captain Ken Lutz  
First District Supervisor Cook Field Representative Christopher Porter

**Members of the Public:**

There were eight members of the public attending in person and one member of the public attending via Zoom.

**Call to Order and Pledge of Allegiance**

The meeting was called to order at 6:01 pm by President Spiller, after which the Pledge of Allegiance was recited.

**1. Director Remote Participation pursuant to AB2449 (Government Code Section 54953(f))**

- a. Notification due to Just Cause
- b. Request due to Emergency Circumstances

**Discussion:** None

**2. Approval of Agenda**

**Discussion:** General Manager Cox revised item number 8 renumbering the resolution in item #8 to 2023-19.

**Action:** A motion was made by Director Haas to approve the agenda as amended. The motion was seconded by Director Roper.

**Vote:** The motion carried by the following roll call vote: 5 - Yes; 0 - No. President Spiller-Yes; Vice President Clark-Yes; Director Haas - Yes; Director Cardenas -Yes; Director Roper - Yes.

**3. Public Participation**

First District Supervisor Cook Field Representative Christopher Porter reported that Staff attended the BNSF townhall meeting. They will continue to have conversations regarding the

overpass and road improvements. He also reported on local County cooling centers, stating that the Adelanto and Barstow libraries are cooling centers. The Senior Information Assistance has free fans available.

Gail, resident – spoke about the BNSF BIG project. She had concerns about Helendale’s water. She also asked about grants for road improvements and if anyone is working on grants.

Dan, Helendale resident – commented on the roads and overpass, also brought up concerns regarding increased traffic.

Greg, Helendale resident – commented about the BNSF meeting. He said that due to the date error in the newsletter someone should have been at the clubhouse telling people when the meeting would be held. He also commented that he heard someone in County saying there was a very small chance of the road improvements getting approved. He reported that the fire department started keeping statistics two months ago regarding the number of times they are stopped by the train. He requested that the CSD ask AMR to keep statistics. He also asked about grants for emergency overpasses and stated that the County didn’t apply for these grants. He commented that the County budget has \$65 million for the Helendale bridge.

Ellen, Helendale resident – spoke about the overcrossing and traffic on Route 66. She also thinks the project will increase traffic on the train tracks. She stated that she would like to volunteer for any committees to get this project.

Captain Ken Lutz Commander at the Victor Valley Station for the San Bernardino County Sheriff’s Department discussed preparedness in an emergency. He also discussed the hacking incident that affected the Sheriff’s department. He discussed that some citizens may need to re-file reports due to lost data. These citizens also qualify for free credit monitoring for a year. He also reported that the Sheriff’s Department bought the old Baldy Mesa Water District building and will be working on renovating the building. He discussed staffing levels, stating they are still short-staffed, but seven new deputy positions have been budgeted.

President Spiller called for a short break at 7:01 pm. The meeting resumed at 7:11 pm

#### 4. Consent Items

- a. Approval of Minutes: June 15, 2023, Regular Board Meeting
- b. Bills Paid Report
- c. May Financials

**Motion:** Vice President Clark made a motion to approve the consent items as presented. Director Cardenas seconded the motion.

**Vote:** The motion carried by the following roll call vote: 5 - Yes; 0 – No. President Spiller-Yes; Vice President Clark-Yes; Director Haas – Yes; Director Cardenas -Yes; Director Roper - Yes.

#### 5. Reports

##### a. Directors’ Reports

Director Roper reported that she and President Spiller met regarding Helendale Night Out. She reported the Helendale Night Out Committee has met a couple of times in preparation for the event on August 12<sup>th</sup>.

Director Haas reported that she attended the service for former Board President Tim Smith. Director Cardenas commented on the San Bernardino County Sheriff’s Department cyber security hack. This incident has reinforced that we need to be more involved in proactive. He also suggested holding a cyber security workshop here in the community. Director Cardenas also attended an ESRI GIS conference in San Diego.

President Spiller reported that he also attended the service for former Board President Tim Smith. He said he will be at the community giveaway event on Saturday.

b. General Managers Report

General Manager Kimberly Cox reported that the BNSF meeting was held on Tuesday the 18<sup>th</sup>. It was standing room only. There were representatives from the County, City of Barstow, and BNSF were present. BNSF has offered to provide grant assistance to the County for the grade separation. The LAFCO annexation hearing is scheduled for October. The public meeting will be held in September. Staff will send a mailer to the affected residents in August. The Family and Kids Foundation will be holding a Community Giveaway event in Suite D on Saturday, July 22<sup>nd</sup>. It is open to everyone.

Wastewater Operations Manager Alex Aviles gave the wastewater report. An electrician worked on the headworks electrical panel. Staff fixed the water line and bearing on an evaporative cooler at the plant. The scum box on the primary was plugged with grease. Staff replaced an outlet at the Community Center for a serving table for the senior lunch program. Staff also repaired the hot walker at the equestrian area. The District's wastewater operators Bill Kuhlmann and Alex Creason were sworn in as Board members at CWEA/DAMS. There was a leak on the main water line coming into the treatment plant. Staff jetted 1.2 miles of sewer on Coolglen Dr., Fairacres, and Robin.

General Manager Cox gave the administration update. There were 46 account transfers in the month of June, GM Cox showed a map representing those transfers. She reported on the Thrift Store sales through June 2023, the revenue for June was \$27,958, the fiscal year total was just shy of matching their highest year to date at \$355,574. The District's total deposits for the month were \$516,866 and total disbursements were \$237,556 for a net gain of \$279,330. The District's total cash balance as of June 2023 is \$6,853,932. The water fund balance is \$2,633,066; the wastewater fund balance is \$3,110,540; the park fund balance is \$626,403; and the solid waste fund balance is \$166,823. The District currently has funds in CBB trust (\$2,057,955.50); LAIF (\$1,045,542.68); CBB checking (\$1,481,991.99); DCB (194,236.27) and CA Class (\$2,074,175.37).

**Regular Business**

6. Discussion and Possible Action Regarding Approval of Directors' Expense Reports

**Motion:** Director Cardenas made a motion to approve the Directors' expense reports. Director Roper seconded the motion.

**Vote:** The motion carried by the following roll call vote: 5 - Yes; 0 – No. President Spiller-Yes; Vice President Clark-Yes; Director Haas – Yes; Director Cardenas -Yes; Director Roper - Yes.

7. Discussion and Possible Action Regarding Possible Award of Bid for Park Lighting

**Discussion:** The bid was released on June 1st and closed on July 14th. Advertised through Dodge Analytics, Daily Press, and BidNet Direct. Staff reached out directly to a few potential bidders. Staff received one bid. In 2021, the District received a Per Capita grant from California State Parks for \$177,952. The projects included in the scope were rc track fencing (completed), new restroom for baseball fields (need to add ADA pathway), nature playground (completed), disc golf course (completed), and park lighting. The remaining balance on the grant is approximately \$140,000. The bid amount was \$598,000. The parks budget cannot afford that amount. Staff recommended rejecting the bid and go back to the drawing board. This item can be discussed in more detail with the Park and Rec Committee. Some options moving forward



could be to significantly modify the scope for lighting; select another project and request a change from the granting agency (entrance gate, cover for playground, park security cameras, additional irrigation/trees). President Spiller suggested a new sound system for the park.

**Motion:** Vice President Clark made a motion reject the bid. Director Roper seconded the motion.

**Vote:** The motion carried by the following roll call vote: 5 - Yes; 0 – No. President Spiller-Yes; Vice President Clark-Yes; Director Haas – Yes; Director Cardenas -Yes; Director Roper - Yes.

8. Discussion and Possible Action Regarding Adoption of Resolution 2023-19: A Resolution of the Board of Directors of the Helendale Community Services District Setting Procedures and Charges for Public Review and copy of District Records

**Discussion:** The District is committed to transparency in all things. The public’s access to District information and records is required, however, there are a few exceptions. The District receives several requests per year. Recent changes to the public records act necessitated minor modifications to the District’s resolution. Counsel provided an overview of the public records act and the process for providing information to the public as well as the modifications to the resolution.

**Motion:** Vice President Clark made a motion to adopt Resolution 2023-19. Director Cardenas seconded the motion.

**Vote:** The motion carried by the following roll call vote: 5 - Yes; 0 – No. President Spiller-Yes; Vice President Clark-Yes; Director Haas – Yes; Director Cardenas -Yes; Director Roper - Yes.

**Other Business**

9. Requested items for next or future agendas (Directors and Staff only)  
None

President spiller called for a brief break at 7:56 pm before going into closed session at 8:05 pm.

**Closed Session**

10. Conference with Legal Counsel – Anticipated Litigation  
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2)  
One Potential Case

11. Conference with Real Property Negotiators  
(Government Code Section 54956.8)  
Property: 15302 Smithson Road  
District Negotiator: Kimberly Cox  
Negotiating Parties: Vertical Bridge  
Under Negotiation: Price and Terms of Payment

12. Report of Closed Session Item  
Legal Counsel Kennedy reported that the Board met in closed session. For item #11 Director Roper recused herself. There was no reportable action on this item.  
For item 12, all five Board members were present. There was no reportable action on this item.

Closed session was adjourned at 8:35 pm.

13. Adjournment

President Spiller adjourned the meeting at 8:36 pm

Submitted by:

Approved by:

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Henry Spiller, President

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Sandy Haas, Secretary

*The Board actions represent decisions of the Helendale Community Services District Board of Directors. A digital voice recording and copy of the PowerPoint presentation are available upon request at the Helendale CSD office.*



# Helendale Community Services District

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Date: August 4, 2023  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
BY: Sharon Kreinop, Senior Account Specialist  
SUBJECT: Agenda item #4  
Consent Items: Bills Paid and Presented for Approval

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## STAFF RECOMMENDATION

Updated Report Only. Receive and File

## STAFF REPORT:

Staff issued 34 checks and 14 EFT's totaling \$168,884.27

Total Cash Available:	<u>07/31/2023</u>	<u>07/17/2023</u>
Cash	\$ 6,782,661.78	\$ 6,853,931.81
Drafts /Checks/EFT's Issued	\$ 168,884.27	\$ 493,152.17

## INVESTMENT REPORT:

The Investment Report shows the status of the invested District funds. The interest rate is 3.167% for LAIF and 5.2557% for CA Class for June 2023. Income earned June 2023 on CA Class account is \$4,779.27



Helendale CSD

# Bills Paid and Presented for Approval Transaction Detail

Issued Date Range: 07/17/2023 - 07/31/2023

Cleared Date Range: -

Issued Date	Number	Description	Amount	Type	Module
<b>Bank Account: 251229590 - CBB Checking</b>					
07/21/2023	<a href="#">26497</a>	California State Disbursement Unit	-230.76	Check	Accounts Payable
07/21/2023	<a href="#">26498</a>	State of California - Franchise Tax Board	-150.00	Check	Accounts Payable
07/19/2023	<a href="#">26499</a>	EZ HOLLYWOOD, LLC	-184.57	Check	Utility Billing
07/19/2023	<a href="#">26500</a>	JAMES OHNOKI	-235.94	Check	Utility Billing
07/19/2023	<a href="#">26501</a>	CALICO HOMES DEVELOPMENT	-332.12	Check	Utility Billing
07/19/2023	<a href="#">26502</a>	Robert R. Yeghoian Co., Inc.	-18,295.00	Check	Accounts Payable
07/20/2023	<a href="#">26503</a>	ACI Payments, Inc	-57.00	Check	Accounts Payable
07/20/2023	<a href="#">26504</a>	Cardmember Services	-3,187.23	Check	Accounts Payable
07/20/2023	<a href="#">26505</a>	Cashier, CDFA- Certified Farmer's Market	-700.00	Check	Accounts Payable
07/20/2023	<a href="#">26506</a>	County of San Bernardino, Solid Waste Mgmt. Div.	-1,105.05	Check	Accounts Payable
07/20/2023	<a href="#">26507</a>	Home Depot Credit Services	-2,041.63	Check	Accounts Payable
07/20/2023	<a href="#">26508</a>	Infosend, Inc	-1,949.48	Check	Accounts Payable
07/20/2023	<a href="#">26509</a>	Konica Minolta	-447.05	Check	Accounts Payable
07/20/2023	<a href="#">26510</a>	State of California Department of Justice	-147.00	Check	Accounts Payable
07/20/2023	<a href="#">26511</a>	WaterMaster	-2,402.64	Check	Accounts Payable
07/20/2023	<a href="#">26512</a>	Zenith Insurance Company	-1,372.00	Check	Accounts Payable
07/20/2023	<a href="#">26513</a>	Frontier Communications	-90.85	Check	Accounts Payable
07/20/2023	<a href="#">26514</a>	Frontier Communications	-65.20	Check	Accounts Payable
07/20/2023	<a href="#">26515</a>	Geo-Monitor, Inc.	-378.50	Check	Accounts Payable
07/20/2023	<a href="#">26516</a>	Konica Minolta	-801.15	Check	Accounts Payable
07/20/2023	<a href="#">26517</a>	Silver Lakes SK	-200.00	Check	Accounts Payable
07/20/2023	<a href="#">26518</a>	Verizon Wireless	-661.11	Check	Accounts Payable
07/20/2023	<a href="#">26519</a>	Verizon Wireless	-106.32	Check	Accounts Payable
07/25/2023	<a href="#">26520</a>	Brunick, McElhaney & Kennedy Professional Law Corp	-8,718.75	Check	Accounts Payable
07/27/2023	<a href="#">26521</a>	Alex Creason	-155.00	Check	Accounts Payable
07/27/2023	<a href="#">26522</a>	Boot Barn Inc.	-375.16	Check	Accounts Payable
07/27/2023	<a href="#">26523</a>	Core & Main	-40.41	Check	Accounts Payable
07/27/2023	<a href="#">26524</a>	Jason Manness	-608.67	Check	Accounts Payable
07/27/2023	<a href="#">26525</a>	San Bernardino County Fire Protection District	-1,045.00	Check	Accounts Payable
07/27/2023	<a href="#">26526</a>	Silver Lakes Beautification Committee	-100.00	Check	Accounts Payable
07/27/2023	<a href="#">26527</a>	Staples Credit Plan	-164.01	Check	Accounts Payable
07/27/2023	<a href="#">26528</a>	SWRCB, Office of Operator Certification	-170.00	Check	Accounts Payable
07/27/2023	<a href="#">26529</a>	Burrtec Waste Group, Inc	-50,169.91	Check	Accounts Payable
07/27/2023	<a href="#">26530</a>	Eide Bailly LLP	-1,404.90	Check	Accounts Payable
07/17/2023	<a href="#">EFT0004667</a>	PERS Classic Annual Unfunded Accrued Liability	-38,120.00	EFT	General Ledger
07/24/2023	<a href="#">EFT0004669</a>	SCE Street Lighting Acct # 700013030275	-1,704.77	EFT	General Ledger
07/19/2023	<a href="#">EFT0004670</a>	SCE ACH Park Wellheads Acct 700448234519	-530.75	EFT	General Ledger
07/18/2023	<a href="#">EFT0004671</a>	SCE ACH Smithson Condo Unit D Acct 700630077284	-35.44	EFT	General Ledger
07/28/2023	<a href="#">EFT0004679</a>	SCE ACH Sod Farm Acct 700255337588	-3,021.46	EFT	General Ledger
07/31/2023	<a href="#">EFT0004680</a>	SCE ACH Well 6,7,8,9 & 2 Acct 700620711734	-428.13	EFT	General Ledger
07/17/2023	<a href="#">EFT0004687</a>	CalPERS Classic Pmt PPE 6/18/23	-8,145.18	EFT	General Ledger
07/17/2023	<a href="#">EFT0004688</a>	CalPERS PEPRA Pmt PPE 6/18/23	-1,792.46	EFT	General Ledger
07/24/2023	<a href="#">EFT0004689</a>	to record PERS 1959 Survivor Classic Payable	-288.00	EFT	General Ledger
07/24/2023	<a href="#">EFT0004690</a>	to record PERS 1959 Survivor PEPRA Payable	-211.20	EFT	General Ledger
07/31/2023	<a href="#">EFT0004691</a>	CalPERS Classic Pmt PPE 7/2/23	-8,841.72	EFT	General Ledger
07/31/2023	<a href="#">EFT0004692</a>	CalPERS PEPRA Pmt PPE 3/26/23	-1,896.88	EFT	General Ledger



**Bank Transaction Report**

<b>Issued Date</b>	<b>Number</b>	<b>Description</b>	<b>Amount</b>	<b>Type</b>	<b>Module</b>
07/21/2023	<a href="#">EFT0004693</a>	CalPERS 457 Pmt PPE 7/16/23	-5,005.06	EFT	General Ledger
07/25/2023	<a href="#">EFT0004701</a>	To record Tasc Flex Claim Pmt PPE	-770.81	EFT	General Ledger
			<b>Bank Account 251229590 Total: (48)</b>		<b>-168,884.27</b>
			<b>Report Total: (48)</b>		<b>-168,884.27</b>

# Summary

**Bank Account**  
[251729590 CBB Checking](#)

Count	Amount
48	-168,884.27
<b>Report Total: 48</b>	<b>-168,884.27</b>

**Cash Account**  
[99 99-111000 Cash in CBB - Checking](#)

Count	Amount
48	-168,884.27
<b>Report Total: 48</b>	<b>-168,884.27</b>

Transaction Type	Count	Amount
Check	34	-98,092.41
EFT	14	-70,791.86
<b>Report Total: 48</b>	<b>48</b>	<b>-168,884.27</b>



# Helendale Community Services District

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DATE: August 3, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #6  
Special Presentation

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## **STAFF RECOMMENDATION**

None.

## **STAFF REPORT**

Staff from San Bernardino County Fire Department will be present to provide a presentation on the Station 4 budget and update on FP-5 special assessment.



# Helendale Community Services District

DATE: August 3, 2022  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #7  
Discussion and Possible Action Regarding Approval of Directors' Expense Reports

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## **STAFF RECOMMENDATION**

None.

## **STAFF REPORT**

This matter is at the discretion of the Board. Included herein for the Board's consideration are expense reports submitted since the last Board meeting.





Los Domingos  
(760) 256-1381

Ticket No: 36  
Ticket UID: 20230712DA0F-43  
Small Room->4

Employee: Brittney  
Dine In  
Date: 7/12/2023  
Time: 12:35:19 PM

L-11 Grilled Chicken Salad	\$9.95
-- Ranch	\$0.00
L-8 Two Items	\$10.89
-- Enchilada Meat Chicken	\$0.00
-- Taco Meat Chicken	\$0.00
-- Rice	\$0.00
-- Rice	\$0.00
Coke	\$3.50

Subtotal: \$24.34  
Tax: \$2.13  
Total: \$26.47

*3.00*  
*29.47*

Suggested Tip  
10% (Tip: \$2.65, Total: \$29.12)  
15% (Tip: \$3.97, Total: \$30.44)  
20% (Tip: \$5.29, Total: \$31.76)



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Please leave us a review on Yelp, Google or  
Facebook



# HELENDALE COMMUNITY SERVICES DISTRICT BOARD MEMBER EXPENSE VOUCHER

Name: Sandy Haas Pay Period Endng: 7/30/23

Date	Expense Description/Explanation	Miles	Meals	Lodging	Other Expense	Reimburse Y/N	Phone Call Y/N	Expense Category
7/18	Meeting GM		\$	\$		Y		G
7/21	Agenda & Other Dist. Business		\$	\$				A
7/24	Meeting w/GM		\$	\$				G
7/25	Leopards on Building - piping at Concord - drive away		\$	\$				A
7/26	Park & Rec		\$	\$				A
	Rescue on about needed more information		\$	\$				A
	Annex Mkt		\$	\$				G
	Very impressed! Organization and interest of people & subwo							
		Total Miles	Total Meals	Total Lodging	Total Other Expense	Total Compensable Meetings		
						5		

Signature: Sandy Haas Date: 7-27-2023

- Expense Categories**
- G: Meeting w/GM or Designee regarding District Operations
  - H: Meeting w/auditors, attorney or consultant retained by District
  - I: Meeting of Local, State or Federal body w/jurisdiction affecting HCS
  - J: Meeting w/organization with interests in matters involving functions or operations of the District
  - K: Meeting pre-approved by the Board of Directors
- \* Written or verbal report required to be presented at the next Board meeting



# HELENDALE COMMUNITY SERVICES DISTRICT BOARD MEMBER EXPENSE VOUCHER

Pay Period Ending

Name

Annette

Date	Expense Description/Explanation	Miles	Meals	Lodging	Other Expense	Reimburse Y/N	Phone Call Y/N	Expense Category
5/2/23	Event Meeting with GM		\$	\$	\$	No	No	G
	Description of Public Benefit Review of agenda items for upcoming Board meeting							
05/04/23	Event Regular HCSD Board meeting		\$	\$	\$	Yes	No	C
	Description of Public Benefit							
05/17/23	Event Meeting with GM		\$	\$	\$	No	No	G
	Description of Public Benefit							
05/18/23	Event Regular HCSD Board meeting		\$	\$	\$	Yes	No	C
	Description of Public Benefit							
05/24/23	Event Smithson Property Tour		\$	\$	\$	Yes	No	E
	Description of Public Benefit tour of facilities and available amenities at the Smithson Facility							
		<b>Total Miles</b>	<b>Total Meals</b>	<b>Total Lodging</b>	<b>Total Other Expense</b>	<b>Total # of Compensable Meetings</b>	<b>Meeting Total</b>	<b>Total</b>
		\$ 0.00	\$ 0	\$ 0	\$ 0	3	\$ 450	\$ 450

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Date: 2023.07.19 18:57:08 -07'00'

Signature

Date

**Expense Categories**

A: Public Meeting governed by Brown Act	G: Meeting w/GM or Designee regarding District Operations
B: Public Event *	H: Meeting w/auditors, attorney or consultant retained by District
C: Representation at Public Meeting/Event *	I: Meeting of Local, State or Federal body w/jurisdiction affecting HCSD
D: Representation at 501 C3 Board *	J: Meeting w/organization with interests in matters involving functions or
E: Conference/seminar/Training Program related to District *	K: Meeting pre-approved by the Board of Directors
F: Ad Hoc committee of the Board	* Written or verbal report required to be presented at the next Board meeting
	Mileage 65.5 ¢

REC'D JUL 20 2023

# HELENDALE COMMUNITY SERVICES DISTRICT BOARD MEMBER EXPENSE VOUCHER

Name: Annette Roper

Pay Period Ending:

Date	Expense Description/Explanation		Miles	Meals	Lodging	Other Expense	Reimburse Y/N	Phone Call Y/N	Expense Category
5/31/23	Event	Meeting with GM		\$	\$		No	Yes	G
	Description of Public Benefit	review for upcoming board mtg							
06/01/23	Event	HCSD Board Meeting		\$	\$		Yes	Yes	C
	Description of Public Benefit								
06/14/23	Event	Meeting with GM		\$	\$		No	No	G
	Description of Public Benefit	review of agenda items for next Board meeting							
06/15/23	Event	HCSD Board Meeting		\$	\$		Yes	No	C
	Description of Public Benefit								
	Event			\$	\$			Please Select	
	Description of Public Benefit								
			<b>Total Miles</b>	\$ 0.00	\$ 0	\$ 0	<b>Total # of Compensable Meetings</b>	2	<b>Total</b>
									\$ 300

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Date: 2023.07.19 19:03:16 -0700

Signature

Date

Expense Categories	
A: Public Meeting governed by Brown Act	
B: Public Event *	
C: Representation at Public Meeting/Event *	
D: Representation at 501C3 Board *	
E: Conference/seminar/Training Program related to District *	
F: Ad Hoc committee of the Board	
G: Meeting w/GM or Designee regarding District Operations	
H: Meeting w/auditors, attorney or consultant retained by District	
I: Meeting of Local, State or Federal body w/jurisdiction affecting HCSD	
J: Meeting w/organization with interests in matters involving functions or	
K: Meeting pre-approved by the Board of Directors	
* Written or verbal report required to be presented at the next Board meeting	
Mileage 65.5 ¢	

REC'D JUL 20 2023

**HELENDALE COMMUNITY SERVICES DISTRICT BOARD MEMBER EXPENSE VOUCHER**

Name HENRY SPILLER Pay Period Ending 8-1-2023

Date	Expense Description/Explanation	Miles	Meals	Lodging	Other Expense	Reimburse Y/N	Phone Call Y/N	Expense Category
7/10/23	Concert in the Park		\$	\$	\$			B
	Description of Public Benefit							
7/12/23	Rep @ public event		\$	\$	\$			B
	Description of Public Benefit							
7/13/23	Training Video		\$	\$	\$			E
	Description of Public Benefit							
7/17/23	SD Meeting/Conference		\$	\$	\$			E
	Description of Public Benefit							
7/18/23	Meeting with the GM		\$	\$	\$			G
	Description of Public Benefit							
		Total Miles	Total Meals	Total Lodging	Total Other Expense	Total # of Compensable Meetings	Meeting Total	Total
			\$	\$	\$		\$	\$

Signature: [Signature] Date: 7-27-2023

- Expense Categories**
- A: Public Meeting governed by Brown Act
  - B: Public Event \*
  - C: Representation at Public Meeting/Event \*
  - D: Representation at 501C3 Board \*
  - E: Conference/seminar/Training Program related to District \*
  - F: Ad Hoc committee of the Board
  - G: Meeting w/GM or Designee regarding District Operations
  - H: Meeting w/auditors, attorney or consultant retained by District
  - I: Meeting of Local, State or Federal body w/jurisdiction affecting HCSD
  - J: Meeting w/organization with interests in matters involving functions or
  - K: Meeting pre-approved by the Board of Directors
- \* Written or verbal report required to be presented at the next Board meeting  
Mileage 65.5 ¢

**HELENDALE COMMUNITY SERVICES DISTRICT BOARD MEMBER EXPENSE VOUCHER**  
 Name: **HENRY SPILLER** Pay Period Ending: **8-1-2023**

Date	Expense Description/Explanation	Miles	Meals	Lodging	Other Expense	Reimburse Y/N	Phone Call Y/N	Expense Category
7/19/23	Event Farmers Market		\$	\$		Y		B
	Description of Public Benefit Rep @ public event							
7/20/23	Event Board Meeting		\$	\$		Y		A
	Description of Public Benefit Public Meeting governed by the Brown Act							
7/21/23	Event Take away Shopping		\$	\$		Y		J
	Description of Public Benefit Meeting with organization/personnel related to district ops							
7/25/23	Event Park Meeting		\$	\$				A/F
	Description of Public Benefit Public Meeting governed by the Brown Act							
7/26/23	Event Farmers Market		\$	\$				B
	Description of Public Benefit Rep @ public event							
		Total Miles	Total Meals	Total Lodging	Total Other Expense	Total # of Compensable Meetings	Meeting Total	Total
			\$	\$	\$		\$	\$

 \_\_\_\_\_  
 Signature  
 Date: **7-27-2023**

- Expense Categories**
- A: Public Meeting governed by Brown Act
  - B: Public Event \*
  - C: Representation at Public Meeting/Event \*
  - D: Representation at 501C3 Board \*
  - E: Conference/seminar/Training Program related to District \*
  - F: Ad Hoc committee of the Board
  - G: Meeting w/GM or Designee regarding District Operations
  - H: Meeting w/auditors, attorney or consultant retained by District
  - I: Meeting of Local, State or Federal body w/jurisdiction affecting HCSD
  - J: Meeting w/organization with interests in matters involving functions or
  - K: Meeting pre-approved by the Board of Directors
  - \* Written or verbal report required to be presented at the next Board meeting





# Helendale Community Services District

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Date: August 3, 2023  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #8  
Public Hearing to Receive Comments Regarding Possible Adoption of Resolution 2023-20: A Resolution of the Board of Directors of the Helendale Community Services District Authorizing the Establishment and Continuation of Collection of Water and Sewer Standby Charges for Fiscal Year 2024

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## **STAFF RECOMMENDATION:**

Staff recommends approval of Resolution 2023-20. Additionally, staff requests authorization to make any final adjustments based upon payments or other discovery prior to submittal to the County on or before August 10.

## **BACKGROUND:**

On, May 4, 2023, the Board of Directors approved the initiation of the collection of the standby fee. This is a procedural item that comes before the Board on an annual basis. The Collection of Standby Fees is a two-part process which includes the initiation of the process and then culminates in a public hearing and possible adoption of a second resolution approving the continuation of collection of the standby fees. Once approved by the Board, Staff prepares and submits the final list to the County Tax Collector by August 10<sup>th</sup>.

## **STAFF REPORT:**

This is an annual public hearing item that comes before the Board in August to facilitate the County tax roll process. The action requested of the Board is to receive any additional public comments during the hearing and provide authorization to Staff to forward the standby charges to the County to be collected with the property taxes.

As a public agency and consistent with LAFCO 2996, the District is allowed to utilize the County property tax process for collection of various forms of debt and fees as the County had historically done prior to the formation of the District. This would include the annual collection of sewer and water standby fees. A standby fee could best be described as a fee for the availability of service. The fee is appropriate to offset the capacity in the system that is reserved for a specific parcel that pays the standby fee and cannot be allocated to another user. Most of these parcels have water and sewer service in close proximity of the property line and upon property development the service is available for connection to the parcel. The list of parcels who pay the standby fee is modified as new development occurs with in-fill lots within the Silver Lakes housing area.



The Standby Fee is a minimum of \$30.00 for up to a one-acre parcel and increased by \$30.00 for every additional acre. The engineer's report is attached for reference and provides a more detailed analysis of the fee. The estimated amount of standby fees the District will receive for fiscal year 2024 is \$41,330.

**FISCAL IMPACT:** Estimated revenue of \$22,430 for water and \$18,900 for wastewater.

**POSSIBLE MOTION:** Approve Staff recommendation and adopt Resolution 2023-20.

**ATTACHMENTS:** Resolution 2023-20  
Engineer's Report for Water and Sewer Standby Charges (FY2015)



## **RESOLUTION NO. 2023-20**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE COMMUNITY SERVICES DISTRICT AUTHORIZING THE ESTABLISHMENT AND CONTINUATION OF COLLECTION OF WATER AND SEWER STANDBY CHARGES FOR FISCAL YEAR 2024**

**WHEREAS**, the Helendale Community Services District (“the District”) is a Community Services District organized and operating pursuant to Government Code 61000 et seq.

**WHEREAS**, the District is authorized by Government Code Section 61124(a) to impose standby charges for water services pursuant to the Uniform Standby Charge Procedures Act, Government Code Section 54984 et seq. (“the Act”).

**WHEREAS**, under the Act, the District is authorized to fix before August 10 of any given year a water standby charge on land within its jurisdiction to which water service is made available for any purpose by the District, whether the water services are actually used or not.

**WHEREAS**, under the Act, the District’s Board of Directors (“the Board”) may establish schedules varying the charge according to land uses, benefit derived or to be derived from the use, availability of facilities to provide water service, the degree of availability or quantity of the use of the water to the affected lands, and may restrict the assessment to one or more improvement districts or zones of benefit established within the jurisdiction of the District, and may impose the charge on an area, frontage, or parcel basis, or a combination thereof.

**WHEREAS**, pursuant to Resolution No. 2951 of the Local Agency Formation Commission of the County of San Bernardino (“LAFCO”), the District is the successor agency to County Service Area 70, Improvement Zones B and C (“CSA 70 B&C”).

**WHEREAS**, Condition No. 10 of LAFCO Resolution No. 2951 expressly states that “[a]ll previously authorized charges, fees, assessments, and/or taxes of [CSA 70 B&C] currently in effect shall be continued and assumed by the [District] as the successor agency in the same manner as provided in the original authorization pursuant to the provisions of Government Code Section 56886(t);”

**WHEREAS**, Government Code Section 56886(t) provides that LAFCO Resolution No. 2951 contains the exclusive terms and conditions for the change of organization from CSA 70 B&C to the District is it relates to the “extension or continuation of any previously authorized charge, fee, assessment, or tax by [the District as the] successor local agency in the affected territory.”

**WHEREAS**, prior to the adoption of LAFCO Resolution No. 2951, the territory within the CSA 70 B&C was subject to water and sewer standby and availability charges that had been fixed, levied, and

imposed upon such lands.

**WHEREAS**, the Board wishes to continue, extend, and assume all previously authorized water and sewer standby and availability charges that had been fixed, levied, and imposed upon lands within CSA 70 B&C.

**WHEREAS**, on August 3, 2023, at 6:00 p.m., at the District offices located at 26540 Vista Road, Suite C, Helendale, California, the Board held a public protest hearing to hear and consider any and all objections or protests regarding the imposition of the charge, which hearing was duly conducted in the manner set forth in the Act.

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

1. The public interest and necessity requires the Board to adopt this Resolution hereby fixing, levying, imposing, and collecting water standby and availability charges on all properties within the District's jurisdictional boundaries where water is available in accordance with, and in the amounts set forth in, Exhibit "A" attached hereto and incorporated herein by this reference, pursuant to applicable law, including but not limited to the pertinent provisions of the Act, Condition No. 10 of LAFCO Resolution No. 2951, and/or Government Code Section 56886(t).

2. The public interest and necessity requires the Board to adopt this Resolution hereby fixing, levying, imposing, and collecting sewer standby and availability charges on all properties within the District's jurisdictional boundaries where water is available in accordance with, and in the amounts set forth in, Exhibit "B" attached hereto and incorporated herein by this reference, pursuant to applicable law, including but not limited to the pertinent provisions of the Act, Condition No. 10 of LAFCO Resolution No. 2951, and/or Government Code Section 56886(t).

3. The written protests received by the Board which were not withdrawn at the time of its determination represented less than fifteen percent (15%) of the parcels subject to the charges set forth herein.

4. The standby charges hereby levied by the Board are based upon the report of a qualified engineer, which is on file with the District. The content of said report are hereby adopted in full by the Board and are incorporated herein in full by this reference, including, but not limited to, any and all statements and determinations specifically relating to each of the following:

- a. A description of the charge and the method by which it is proposed to be imposed;
- b. A compilation of the amount of the charge proposed for each parcel subject to the charge;
- c. A statement of the methodology and rationale followed in determining the degree of benefit conferred by the service for which the proposed charge is made;
- d. The District's legal ability to fix and adjust a standby charge, the amount of the

- proposed charge, and the properties affected thereby;
- e. A description of the lands upon which the charge is proposed to be imposed; and
- f. The amount of the proposed charge for each of the lands so described.

5. The Board hereby authorizes the District’s General Manager to take any and all actions necessary to carry out the intent of the Board as set forth herein, and to cause the charges fixed and established herein to be collected at the same time, and in the same manner, as the levying of special assessments on the 2023-24 San Bernardino County Tax Roll, and/or to be otherwise collected in accordance with all legally-permissible methods available under applicable law.

6. If any charge hereby adopted becomes delinquent, the amount of the delinquency, together with any interest and penalties thereon, shall constitute a lien on the affected property to the fullest extent legally allowable under applicable law.

**ADOPTED AND APPROVED** this 3rd day of August 2023, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

By: \_\_\_\_\_  
Henry Spiller, President

ATTEST:

\_\_\_\_\_  
Sandy Haas, Secretary

## Exhibit A Water Standby Fee

5.6 Acres = 5 EBUs for the first five acres + 0.5 times the remaining fractional acreage of 0.6 =  $(0.5 \times 0.6) = 0.3$  EBUs Total EBUs = 5.3 EBUs

The total number of EBUs equals the sum of all EBUs assigned to Undeveloped Parcels. The existing Standby Charge, equal to \$30 per EBU, is then applied to each parcel's individual EBUs to determine the parcel's proportionate benefit and total obligation. The following formulas are used to calculate each parcel's annual Levy Amount.

Standby Charge per EBU x Parcel's EBUs = Parcel's Levy

**EXAMPLE:**

5.6 Acres =  $\$30 \times 5.3$  EBUs = \$159

.5 Acres =  $\$30 \times 1$  EBU = \$30

1 Acre =  $\$30 \times 1$  EBU = \$30



## **Exhibit B Sewer Standby Fee**

5.6 Acres = 5 EBUs for the first five acres + 0.5 times the remaining fractional acreage of 0.6 =  $(0.5 \times 0.6) = 0.3$  EBUs Total EBUs = 5.3 EBUs

The total number of EBUs equals the sum of all EBUs assigned to Undeveloped Parcels. The existing Standby Charge, equal to \$30 per EBU, is then applied to each parcel's individual EBUs to determine the parcel's proportionate benefit and total obligation. The following formulas are used to calculate each parcel's annual Levy Amount.

Standby Charge per EBU x Parcel's EBUs = Parcel's Levy

**EXAMPLE:**

5.6 Acres =  $\$30 \times 5.3$  EBUs = \$159

.5 Acres -  $\$30 \times 1$  EBU = \$30

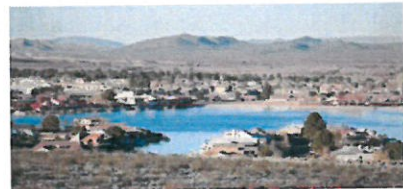
1 Acre =  $\$30 \times 1$  EBU - \$30



# HELENDALE COMMUNITY SERVICES DISTRICT

**ENGINEER'S REPORT  
FOR FISCAL YEAR 2014-15  
STANDBY CHARGE**

**FINAL DRAFT: OCTOBER 2014**



## **BARTLE WELLS ASSOCIATES**



Independent Public Finance Advisors  
1889 Alcatraz Avenue  
Berkeley, CA 94703-2714  
Tel. 510.653.3399  
Fax 510.653.3769  
[www.bartlewells.com](http://www.bartlewells.com)



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# **AFFIDAVIT FOR THE ENGINEER'S REPORT: HELENDALE COMMUNITY SERVICES DISTRICT WATER STANDBY CHARGE**

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This Report describes the annual Standby Charge of the Helendale Community Services District (the CSD), which was initially formed by the County of San Bernardino as County Service Areas 70 B & C and assumed by the CSD as part of the reorganization pursuant to Condition 10 of LAFCO Resolution No. 2996, adopted June 21, 2006. This Report outlines the assessment methodology, affected parcels, and assessments to be levied for Fiscal Year 2014-2015. Reference is hereby made to the San Bernardino County Assessor's Maps for a detailed description of the lines and dimensions of parcels that are subject to the Standby Charge. The undersigned respectfully submits the enclosed Report as directed by the District's Board of Directors.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

By: \_\_\_\_\_  
Kimberly Cox, General Manager

By: \_\_\_\_\_  
Douglas Dove, PE, CIPFA  
President/Principal



## OVERVIEW

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Pursuant to the provisions the Uniform Standby Charge Procedures Act (Gov. Code, §§ 54984-54984.9; "Act"), public agencies may set a water and/or sewer standby charge each year for making infrastructure available to property whether the services are used or not. (§ 54984.2.) On November 5, 1996, the electorate adopted an initiative measure ("Proposition 218"), amending the California Constitution by adding articles XIII C and XIII D. Under article XIII D, new limitations and procedural requirements for assessments on real property were established and Section 6.b.4 of Article XIII D specifically states:

*"Standby Charges, whether characterized as charges or assessments, shall be classified as assessments and shall not be imposed without compliance with Section 4."*

However, notwithstanding the following, any assessment/standby charge that was in effect prior to the effective date of Proposition 218 that was imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewer, water, flood control, drainage systems or vector control shall be exempt from the procedures and approval process set forth in Section 4. Therefore, the CSD's existing standby charge is not required to re-notice and undergo a Proposition 218 Majority Protest Balloting, unless the CSD wishes to increase the standby charge above its current rate.

Accordingly, the CSD is authorized by law to provide water and sewer service, and may fix, before August 10 of any given year, a water and/or sewer standby charge, on land within the jurisdiction of the CSD to which water and/or sewer services are made available for any purpose by the CSD, whether the water or sewer service is actually used or not.

Upon approval and adoption of the annual standby charge by the CSD Board of Directors, the standby charges for Fiscal Year 2014-2015 shall be submitted to the San Bernardino County Auditor/Controller for inclusion on the property tax roll for each parcel.

For the purposes of this Report, the word "parcel" refers to an individual property assigned its own Assessor Parcel Number by the San Bernardino County Assessor's Office.

## HISTORICAL BACKGROUND AND CURRENT LEGISLATION

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In November 1996, California voters approved Proposition 218 that established specific requirements for the ongoing imposition of taxes, assessments and fees. The provisions of the Proposition are now contained in the California Constitutional Articles XIIC and XIID. All assessments described in this Report and approved by the District Board of Directors are prepared in accordance with Uniform Standby Charge Procedures Act (the "Act"), LAFCO Resolution No. 2996 and in compliance with the provisions of the Constitution.

Pursuant to the Article XIID Section 5 of the Constitution, certain existing assessments and, in this case, standby charges, were exempt from the substantive and procedural requirements of the Article XIID Section 4. Therefore, a property owner balloting is not required until such time that a new or increased standby charge is proposed. At this time, the CSD does not intend to increase the existing standby charge and this Engineer's Report is in connection with the continued collection of the current standby charge for Fiscal Year 2014-2015.

The standby charge of the CSD may be used for any purpose pursuant to the Act, commencing with Government Code Section 54984.2, whether the water and/or sewer service is actually used or not. The standby charge may also vary according to land uses, benefit derived or to be derived from the use or availability of facilities to provide water, or the degree of availability or quantity of the use of the water to the affected lands. The charge may be imposed on an area, frontage, or parcel basis, or a combination thereof.

*The existing standby charge methodology is employed throughout the CSD service area and is only levied against undeveloped parcels to provide equity between existing ratepayers and future customers that are not currently connected to the system by charging a portion of the cost to maintain the water and sewer system to undeveloped parcels that have the potential to develop in the future.*

Based on the FY2014-15 budget the existing standby charge for water is estimated to generate \$30,500 annually in comparison to an annual budget for the Water Enterprise Fund in excess of \$1.8 Million. The existing standby charge for wastewater generates \$24,000 annually in comparison to an annual budget for the Wastewater Enterprise Fund in excess of \$1.3 Million.



# WATER AND SEWER SERVICES

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## DESCRIPTION OF CSD

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The CSD is located in the High Desert area of San Bernardino County between Barstow and Victorville and has an estimated population of 6,000. The CSD's existing water and sewer service area is approximately five square miles while the District's boundary encompasses more than 100 square miles. The CSD provides water and sewer service to over 2,800 service connections. Over 90 percent of water and sewer connections service single-family residences. The CSD has not experienced much growth in recent years; however, the area has a potential for growth as there are approximately 728<sup>1</sup> undeveloped water parcels and 720<sup>1</sup> undeveloped sewer parcels that may be developed in the future in addition there is significant developer interest in the area as evidenced by the draft Specific Plan that was completed by San Bernardino County Land Use Services in January 2011. This potential development at build-out could generate up to 756<sup>2</sup> new water and 737<sup>2</sup> new sewer connections.

In general, the CSD provides for the continued delivery of water and wastewater service to its service area, including the operation, maintenance, servicing, repair and rehabilitation, and expansion of water and sewer facilities. These services are required and provide a special benefit to parcels that are not currently developed and connected to the water and sewer systems as facilities must be available for the orderly development of such properties. Therefore, many public agencies impose a water and sewer standby charge against undeveloped parcels until such time that the property is developed and connected to the existing infrastructure as a ratepayer. Standby charges provide a means to charge undeveloped parcels a proportional share of the cost of the utility that provides a special benefit to undeveloped parcels, including, but not limited to, water and sewer service, repair and replacement of existing facilities, new capital improvements, and operations.

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<sup>1</sup> Undeveloped water and sewer parcel information provided in e-mail from Kimberly Cox, 10/2/2014

<sup>2</sup> New water and sewer connections estimated by the ratio of current connections to current built properties

## **METHOD OF APPORTIONMENT**

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### **BENEFIT ANALYSIS**

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Similar to many other public water and sewer entities in the State, standby charges provide a means to charge undeveloped parcels a proportional share of the cost of the water utility as a means to spread water and sewer service costs between existing ratepayers and undeveloped parcels, which will generate future customers as parcels are developed. Water and sewer services not only provide a direct benefit to existing customers, but it also provides a special benefit to undeveloped parcels as the CSD continues to provide service now and into the future through the ongoing operations of sewer collection and treatment, water resource management, water production, water quality, and the repair, replacement and expansion of related capital improvements. Most importantly, a standby charge reserves capacity in the existing system for the perspective development.

As previously referenced under the earlier Section of the Engineer's Report entitled "Overview," a standby charge is considered an assessment under the provisions of Article XIID of the State Constitution. Therefore, all parcels which will have a special benefit conferred upon them and upon which the standby charge will be imposed must be identified (the Assessment Roll). The proportionate special benefit derived by each identified parcel shall be determined in relationship to the entirety of the costs of the capital water improvement, the maintenance and operation expenses of such improvement, and the cost of the property-related service being provided. In addition, no standby charge shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel. In addition to the elements identified above, the standby charge of the CSD may also be used for any purpose pursuant to the Act, commencing with Government Code Section 54984.2. Therefore, the CSD may use standby charge revenue to fund any portion of its annual water and sewer budget. However, as the standby charge is only levied against undeveloped property and has not been increased since the original formation, the CSD's annual expenses for water and sewer services far exceeds revenue generated by the Standby Charge.

### **ASSESSMENT METHODOLOGY**

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The current standby charge was originally established by the County of San Bernardino and transferred to the CSD through the LAFCO proceedings that created the CSD. More specifically, Condition 10 of LAFCO Resolution No. 2996 specifically states: "All previously authorized charges, fees, assessments, and/or taxes ..... in effect shall be continued and assumed by the Helendale Community Services District as the successor agency in the same manner as provided in the original authorization pursuant to the provisions of Government Code Section 56886(t)." The CSD does not intend to change the assessment methodology nor increase the existing standby charge; therefore, the continued collection of the current standby charge is in compliance with the Act and Article XIID of the State

Constitution.

The benefit formula used for apportioning cost over affected parcels reflects the composition of the parcels and the water and sewer services provided. Therefore, as undeveloped parcels are the only parcels subject to the existing standby charge, the most appropriate allocation basis to use to fairly apportion the costs based on the special benefits to each assessable parcel is by assigning Equivalent Benefit Units (EBU's) to each parcel based on the lot size of such parcel. Only undeveloped parcels with water and sewer service readily available to the parcel are assessed. In determining access, the original criterion established for determining development potential is property within 660 feet of a water main. In addition, billable acreage excludes territory of a parcel that cannot access water or sewer services due to unique circumstances, such as, railroad or road impediments, pressure breaks, and drainage easements or other types of easements that restrict the parcel's access to water and sewer services.

### **EQUIVALENT BENEFIT UNITS**

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To assess benefits equitably it is necessary to relate each property's proportional special benefits to the special benefits of all other properties that are subject to the Standby Charge. The method of apportionment most commonly used for assessments/standby charges is based on a weighted method of apportionment known as an Equivalent Benefit Unit (EBU) methodology. This proportional weighting may be based on several factors that may include, but are not limited to: the type and status of development (land use), size of the property, location of the property, parcel frontage, or other property related factors. In the case of the Helendale Community Services District, 1 EBU is equal to one acre and the standby charge is assessed only against unimproved property.

The assessable land area of a parcel reflects the development potential of a parcel and the special benefit that the parcel would receive from the water and sewer services. The total number of EBUs assigned to each parcel equals 1 EBU per lot up to one acre in size plus 0.5 EBUs per acre for each fraction of an acre, with a minimum assignment of 1 EBU to assessable parcel.

The following formulas are used to calculate each parcel's EBUs and the total EBUs that are assessed the standby charge:

Parcel's EBUs = 1 EBU minimum up to one Billable Acre and 0.5 EBUs x fractional Billable Acreage



EXAMPLE:

5.6 Acres = 5 EBUs for the first five acres + 0.5 times the remaining fractional acreage of  
 $0.6 = (0.5 \times 0.6) = 0.3$  EBUs Total EBUs = 5.3 EBUs

The total number of EBUs equals the sum of all EBUs assigned to Undeveloped Parcels. The existing Standby Charge, equal to \$30 per EBU, is then applied to each parcel's individual EBUs to determine the parcel's proportionate benefit and total obligation. The following formulas are used to calculate each parcel's annual Levy Amount.

Standby Charge per EBU x Parcel's EBUs = Parcel's Levy

EXAMPLE:

5.6 Acres = \$30 x 5.3EBUs = \$159

.5 Acres - \$30 x 1EBU = \$30

1 Acre = \$30 x 1EBU - \$30

## DISTRICT BUDGET FISCAL YEAR 2014-2015

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The following provides the preliminary proposed budget of the Water and Sewer Enterprise Fund for Fiscal Year 2014-2015. The budget includes the District's estimate of anticipated expenditures associated with the water utility. Pursuant to Section 54984.2 of the Act, the Standby Charge may fund any expenditure type of the proposed budget.

**Table 1**  
**Helendale Community Services District**  
**Preliminary Fiscal Year 2014-2015 Budget**

<b>Operating Expenses</b>	<b>Water</b>	<b>Sewer</b>
Water Purchases	70,000	NA
Salaries & Benefits	414,984	286,612
Board Compensation	0	0
Professional Fees	33,500	72,500
Service and Supplies	221,900	142,250
Utilities	152,500	104,500
<b>Sub-Total</b>	<b>892,884</b>	<b>605,862</b>
<b>Non-Operating Expenses</b>		
Debt	395,252	54,374
Administration, taxes, etc.	265,582	324,601
<b>Sub-Total</b>	<b>660,834</b>	<b>378,975</b>
<b>Depreciation Expenses</b>		
Depreciation/Amortization	247,677	382,924
<b>TOTAL</b>	<b>\$1,801,395</b>	<b>1,367,761</b>

In determining the portion of the budget that may be funded by the standby charge, Bartle Wells Associates reviewed the CSD's Capital Improvement Program and the CSD's 2012 Water and Sewer Fee Study. Based on the total growth potential of the CSD<sup>3</sup>, it is projected that the CSD will add approximately 756 new water connections (1017 New EBUs) and 737 new sewer connections (800 New EBUs) through buildout. This growth potential will represent 20.94% (756 new water connections/3612 total water connections) of the CSD's total water service demand and 20.89% (737 new sewer connections/ 3529 total sewer connections) of the CSD's sewer service demand. Therefore, the portion of the CSD's budget that is authorized to be funded by the Standby Charge and represents the special benefit conferred on undeveloped water property and sewer property is \$377,169 (20.94% x \$1,801,395) and \$285,777 (20.89% x \$1,367,761) the special benefit conferred by undeveloped sewer property. The 20.94% of total water demand and 20.89% of total sewer demand at buildout that is expected to be generated from future customers shall be updated at least every five years or at the same time that the CSD's Connection Fee Study is updated.

<sup>3</sup> Future Connections estimated by Helendale Community Services District. Estimated EBUs are based on annual assessment tax revenues divided by annual assessments (\$30 per water EBU and \$30 per sewer EBU).

Based on the allocated expenses for the water and sewer enterprise funds of \$377,169 and \$285,777 respectively, the maximum standby charge per water and sewer EBU would be equal to \$370.98 and \$357.22 for Fiscal Year 2014-2015 ( $\$377,169 / 1016.67 \text{ EBUs}^3 = \$370.98$  per EBU) and ( $\$285,777 / 800 \text{ EBUs}^3 = \$357.22$  per EBU). However, the current rate of \$30 per EBU may not be increased without a majority protest ballot proceeding pursuant to Article XIIID Section 4(d) of the State Constitution. The CSD does not intend to increase the existing standby charge at this time and will continue to levy and collect the current standby charge for Fiscal Year 2013-2014.

## **DISTRICT BOUNDARY DIAGRAMS**

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The boundaries subject to the standby charge are equivalent to the existing water and sewer service area of the CSD and, by reference are hereby made part of this Engineer's Report. However, only undeveloped parcels within 66 feet of existing water and sewer infrastructure are subject to the Standby Charge. For more detailed specifications on the CSD's service area, diagrams are available for inspection at the administration office during normal business hours.

## **2014-2015 ASSESSMENT ROLL**

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Parcel identification, for each lot or parcel subject to the standby charge, shall be the parcel as shown on the San Bernardino County Assessor Parcel Maps and/or the San Bernardino County Secured Tax Roll for the year in which this Report is prepared. The proposed standby charge for each parcel has been prepared in accordance with the original rate established as part of the original formation and the method of apportionment described in this report and has been presented to the Board of Directors.

The standby charge information for each parcel as outlined in this Engineer's Report and confirmed by the District Board, shall be submitted to the County Auditor/Controller, and included on the property tax roll for Fiscal Year 2014-2015. If the parcels referenced by this Engineer's Report are renumbered, reapportioned or changed by the County Assessor's Office after approval of the Report, the new parcel(s) with the appropriate standby charge amount will be submitted to the County Auditor/Controller.

The Assessment roll includes parcels for the water standby fee and parcels for the sewer standby fee. The Assessment Roll has been provided to the Board under separate cover and is on file at the District Office and is made part of this Engineer's Report by reference.





# Helendale Community Services District

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Date: August 3, 2023  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #9  
Public Hearing to Receive Comments Regarding the Possible Adoption of Resolution 2023-22; A Resolution of the Board of Directors of the Helendale Community Services District Confirming, or Modifying and then Confirming, the Report of Delinquent Water, Sewer and Trash Collection User Charges for the Purpose of Collecting Said Charges on the San Bernardino County Tax Roll

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## **Staff Recommendation**

Staff recommends approval of Resolution 2023-22. Additionally, staff requests authorization to make any final adjustments based upon payments or other discovery prior to County submittal.

## **Staff Report**

Government agencies have the ability to place delinquent accounts on to the County tax rolls on an annual basis. Staff must provide a list of parcel numbers with the amount in arrears to the County Assessor Tax Collector no later than August 10 of each year. To date there are 14 parcels with outstanding balances. The estimated total amount that is delinquent is \$16,007.96. A list of the affected parcels is attached to this staff report. A letter was sent to each property owner in July notifying them of this pending action. The District has placed a lien on the various parcels related to the delinquent amount but has not received payment. Typically, payment from liens is collected when the house has sold or refinanced. Placing the overdue amount onto the County tax bill improves the chances of collection. Last fiscal year the District submitted \$29,675 in liens for collection through the property tax mechanism.

The attached Resolution 2023-22 describes the authority of the District to place delinquent accounts for services onto the County tax bill. Copies of the resolution and the accompanying reports and list of parcels are to be forwarded to the County Assessor/Tax Collector and to the Auditor Controller by no later than August 10, 2023.

At the public hearing, the Board will hear and consider any and all objections or protests to the placement of the delinquent charges for service for water, sewer and trash collection on the San Bernardino County tax bill. The accounts have until the close of this public hearing to pay the District in full before the delinquent amounts are placed on the tax roll.

**Fiscal Impact:** Estimated collection of past due fees of \$16,007.96

**Possible Motion:** Approve Staff recommendation and adopt Resolution 2023-22.

**Attachments:**

Spreadsheet of delinquent amounts by APN to tax roles  
Resolution 2023-22  
Sample Letter



### Delinquent accounts by APN

Account Number	APN	Balance as of 7/3/23
12-1100-04	0465-265-09	\$ 625.65
12-1256-02	0465-423-41	\$ 1,480.99
12-1325-01	0465-394-25	\$ 955.87
12-1426-06	0467-362-01	\$ 665.49
12-1706-01	0467-414-16	\$ 696.91
12-2010-07	0467-471-30	\$ 1,965.55
12-2134-02	0467-374-20	\$ 614.94
12-2456-01	0467-735-09	\$ 1,516.82
12-2526-01	0467-294-01	\$ 1,779.52
12-2541-01	0467-293-20	\$ 2,263.42
12-2731-06	0467-751-29	\$ 1,236.99
12-2921-01	0465-351-15	\$ 505.61
12-3424-03	0465-552-02	\$ 796.57
12-3763-04	0465-553-09	\$ 903.63
14 accounts		\$ 16,007.96



**RESOLUTION NO. 2023-22**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE COMMUNITY SERVICES DISTRICT CONFIRMING, OR MODIFYING AND THEN CONFIRMING, THE REPORT OF DELINQUENT WATER, SEWER AND TRASH COLLECTION USER CHARGES FOR THE PURPOSE OF COLLECTING SAID CHARGES ON THE SAN BERNARDINO COUNTY TAX ROLL**

**WHEREAS**, the Helendale Community Services District (“District”) is a community services district organized and operating pursuant to California Government Code 61000 et seq.; and,

**WHEREAS**, Section 61115(b) of the Government Code authorizes the District’s Board of Directors (“Board”) to provide that any charges and penalties may be collected on the tax roll in the same manner as property taxes; and,

**WHEREAS**, Section 61115(b) of the Government Code provides that the District’s General Manager must prepare and file with the Board a report that describes each affected parcel of real property and the amount of charges and delinquencies for each affected parcel for the year; and

**WHEREAS**, Section 61115(b) of the Government Code further provides that the District’s General Manager must publish notice of the time and place for a public hearing by the Board to hear and consider adoption and/or revision of the charges and penalties contained in the report of the District’s General Manager; and,

**WHEREAS**, the Board of Directors of the Helendale Community Services District Finds and Determines:

1. That the report of the District’s General Manager on delinquent and unpaid charges for water, sewer and trash collection services within the District that remain unpaid and delinquent for thirty (30) days or more on July 1, 2023, which is attached hereto and incorporated herein by this reference, is hereby adopted and approved by the Board and confirmed for each parcel of property with the District as set forth in said report.
2. That a public hearing on said report was held on this date and that any protests or objections regarding the appropriateness of the charges or their collection on the tax roll were heard and considered by the Board.

**NOW THEREFORE**, that the Board, acting in its capacity as the governing body of the District, hereby resolves and orders:

1. That the General Manager is hereby directed to forward a certified copy of this resolution and accompanying reports to each of the following public bodies and officers:
  - a. The Auditor/Controller of the County of San Bernardino;
  - b. The Treasurer-Tax Collector of the County of San Bernardino;

2. That the unpaid delinquent charges for each corresponding parcel of property within the District identified in the attached report of the District's General Manager, as confirmed by the Board, are fixed in the amount set forth in said report and shall be collected on the tax roll in the same manner and at the same time as general County ad valorem property taxes are collected for fiscal year 2023-24.

Resolution 2023-24 is hereby approved and adopted by the Board of Directors of the Helendale Community Services District at a regular meeting held on August 3, 2023, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Henry Spiller, President

\_\_\_\_\_  
Sandy Haas, Secretary

# SAMPLE LETTER



## Helendale Community Services District

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26540 Vista Road, Ste. B  
PO Box 359  
Helendale, California 92342  
(760) 951-0006 Fax (760) 951-0046

Date 0-00-0000

Customer Name  
Customer Address

Re: Account #12-0000-00 – Address

Dear Customer:

Our records indicate the above account is seriously past due. As of 6/30/23 the outstanding balance is \$000.00.

You are encouraged to make your monthly payments on time to avoid penalties and other fees. We would like to give you the opportunity to bring your account current.

If the outstanding balance is not paid by 8/2/23 all unpaid balances will be added to the annual taxes levied upon the property. This could result in a higher monthly mortgage payment if your property taxes are impounded.

See reverse side of this letter for important information regarding collection of outstanding balances.

If you have any questions regarding this notice, please contact the office.



# Helendale Community Services District

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26540 Vista Road, Ste. B  
PO Box 359  
Helendale, California 92342  
(760) 951-0006 Fax (760) 951-0046

**Our records indicate that you own one or more parcels with an outstanding balance due that is subject to collection through the following means.**

## **NOTICE**

NOTICE IS HERBY GIVEN that the General Manager of the Helendale Community Services District ("District") has filed a report with the District's Board of Directors that describes the amount of unpaid charges and delinquencies for each affected parcel within the District, and that the District's Board of Directors will hold a public hearing to consider adoption of a resolution adding such delinquent non-paid charges to the annual taxes levied upon the property for which the charges are delinquent and unpaid.

The hearing will be held at a regular meeting of the District's Board of Directors schedule for August 3, 2023, at 6:00 p.m., at the Helendale Community Services District Community Center building at 26540 Vista Rd., Suite C, Helendale, California. All interested persons are invited to attend the meeting and submit oral and/or written comments to the District's Board of Directors at the time of the hearing. All persons are further invited to review the report and proposed resolution, copies of which will be available for public inspection beginning ten (10) days prior to the above meeting, during regular business hours at the District's headquarters located at 26540 Vista Rd., Suite B, Helendale, California.

For more information, you may contact District staff at the headquarters address listed above, or by telephone at (760) 951-0006, during regular business hours.





# Helendale Community Services District

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Date: August 3, 2024  
TO: Board of Directors  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #10  
Public Hearing to Receive Comments Regarding Possible Adoption of Resolution 2023-21; A Resolution of the Board of Directors of the Helendale Community Services District Authorizing the Establishment and Continuation of Collection of Refuse Disposal Land Use Fees for Fiscal Year 2024

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## **STAFF RECOMMENDATION**

Staff recommends approval of Resolution 2023-21. Additionally, staff requests authorization to make any final adjustments based upon payments or other discovery prior to County submittal.

## **STAFF REPORT**

LAFCO Resolution 2951 determined that the Helendale Community services District was the successor agency for County Service Area 70, Improvement Zones B and C. In addition, it expressly states that all previously authorized charges, fees and assessments, and/or taxes of CSA 70 B and C currently in effect shall be continued as assumed by the District as the successor agency.

Prior to the adoption of the LAFCO resolution, the territory within CSA 70 B and C was subject to a refuse disposal land use fee that had been fixed, levied, and imposed upon such lands by the County of San Bernardino prior to 1978 and consistent with the California Integrated Waste Management Act of 1989, in order to discourage illegal dumping and to offset the cost of disposal of waste from the Helendale community. LAFCO Resolution 2927 and Resolution 2951 authorize the District to collect, transfer, and dispose of solid waste and provide solid waste handling service, including, but not limited to, source reduction, recycling, and composting activities, pursuant to Division 30 of the California Public Resources Code. Demolition waste, tires, hard to handle and special handling items are excluded from the disposal fee.

In November 2010, the District and San Bernardino County entered into a Solid Waste Fee Transfer Agreement under which the District continued and assumed the same Refuse Disposal Land Use Fee as the successor agency to County Solid Waste Management Division.

The District is authorized to fix the land use fee using San Bernardino County Land Use Codes. Exhibit A of Resolution 2023-21 documents the codes previously used by San Bernardino Solid Waste Management. The Land Use Codes, Tax Rate Areas (Traps) and Assessor Parcel Numbers (APNs) were provided by the Assessor and Solid Waste Management. The estimated total amount to be assessed is \$230,729.40 from 2,700 parcels.

Resolution 2023-21 authorizes the General Manager to take any and all actions necessary to carry out the intent of the Board and to cause the levy of the special assessment for fiscal year 2023-24. If a charge becomes delinquent, the amount of the delinquency and interest and penalties shall constitute a lien on the property.

At the public hearing, the Board will hear and consider any and all objections or protests to the imposition of the land use fee.

**Fiscal Impact:** Estimated collection of special assessment revenue of \$230,729.40

**Possible Motion:** Approve Staff recommendation and adopt Resolution 2023-21.

**Attachments:** Resolution 2023-21



## **RESOLUTION NO. 2023-21**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HELENDALE COMMUNITY SERVICES DISTRICT AUTHORIZING THE ESTABLISHMENT AND CONTINUATION OF COLLECTION OF REFUSE DISPOSAL LAND USE FEES FOR FISCAL YEAR 2023-2024**

**WHEREAS**, the Helendale Community Services District (“the District”) is a Community Services District organized and operating pursuant to Government Code 61000 et seq.

**WHEREAS**, on or about December 4, 2006, the Local Agency Formation Commission of the County of San Bernardino (“LAFCO”) adopted Resolution No. 2951 (“Resolution No. 2951”) which determined that the District is the successor agency to County Service Area 70, Improvement Zones B and C (“CSA 70 B&C”).

**WHEREAS**, Condition No. 10 of LAFCO Resolution No. 2951 expressly states that “[a]ll previously authorized charges, fees, assessments, and/or taxes of [CSA 70 B&C] currently in effect shall be continued and assumed by the [District] as the successor agency in the same manner as provided in the original authorization pursuant to the provisions of Government Code Section 56886(t).”

**WHEREAS**, Government Code Section 56886(t) provides that LAFCO Resolution No. 2951 contains the exclusive terms and conditions for the change of organization from CSA 70 B&C to the District as it relates to the “extension or continuation of any previously authorized charge, fee, assessment, or tax by [the District as the] successor local agency in the affected territory.”

**WHEREAS**, prior to the adoption of LAFCO Resolution No. 2951, the territory within CSA 70 B&C was subject to a refuse disposal land use fee that had been fixed, levied, and imposed upon such lands by the County of San Bernardino (“the County”) pursuant to the California Integrated Waste Management Act of 1989 (Division 30 of the California Public Resources Code) (“the Act”) in order to discourage illegal dumping and to offset the cost of disposal of waste from the Helendale community (the “Refuse Disposal Land Use Fee”).

**WHEREAS**, on or about June 21, 2006, LAFCO adopted Resolution No. 2927 (“Resolution No. 2927”) making determinations on and approving the incorporation of the District, which was subsequently approved by the electorate at the November 7, 2006, general election and confirmed by LAFCO pursuant to its adoption of Resolution No. 2951.

**WHEREAS**, Resolution No. 2927 and Resolution No. 2951 authorize the District to collect,



transfer, and dispose of solid waste and provide solid waste handling service, including, but not limited to, source reduction, recycling, composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code.

**WHEREAS**, on or about July 21, 2010, LAFCO adopted Resolution No. 3099 (“Resolution No. 3099”) affirming the District’s authorization to (1) collect, transfer and dispose of solid waste and provide solid waste handling service, and (2) continue and assume the Refuse Disposal Land Use Fee in the same manner as provided in the original County authorization, pursuant to Condition No. 10 of Resolution No 2927 and Resolution No. 2951.

**WHEREAS**, on or about November 16, 2010, the District and the County entered into a Solid Waste Fee Transfer Agreement (“Fee Transfer Agreement”) to provide for the terms and conditions under which the District will continue and assume the Refuse Disposal Land Use Fee.

**WHEREAS**, pursuant to the legal authority set forth above, the District is authorized to fix before August 10 of any given year a Refuse Disposal Land Use Fee on residential parcels within its jurisdiction entitling the owners of such parcels to utilize refuse disposal sites without the payment of any pay-at-the gate fee for ordinary refuse generated on such residential property.

**WHEREAS**, pursuant to the legal authority set forth above, the District’s Board of Directors (“the Board”) may establish the Refuse Disposal Land Use Fee according to San Bernardino County Assessor’s Land Use Codes, and the benefit derived or to be derived from the use of solid waste facilities or services for ordinary refuse (excluding demolition waste, tires, and hard to handle and special handling items) generated on the parcel of property for which the Refuse Disposal Land Use Fee is paid.

**WHEREAS**, the Board wishes to continue, extend, and assume all previously authorized Refuse Disposal Land Use Fees that had been fixed, levied, and imposed upon lands within the jurisdictional boundary of the District.

**WHEREAS**, pursuant to the Fee Transfer Agreement, the County adopted a fee ordinance effective July 1, 2011, which excluded the areas within the jurisdictional boundaries of the District from assessment by the County of the Refuse Disposal Land Use Fee.

**WHEREAS**, beginning on or about July 20, 2023, the District published a Notice of Public Hearing concerning the Board’s intent to adopt the Refuse Disposal Land Use Fees for 2023-2024 in a newspaper of general circulation within the District once a week for two successive weeks pursuant to the Act and Government Code Section 6066.

**WHEREAS**, on August 3, 2023, at 6:00 p.m., at the District offices located at 26540 Vista Road, Suite C, Helendale, California, the Board held a public protest hearing to hear and consider any and all objections or protests regarding the imposition of the Refuse Disposal Land Use Fee, which hearing was duly conducted in the manner set forth by law.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Helendale Community

Services District as follows:

1. The public interest and necessity requires the Board to adopt this Resolution hereby fixing, levying, imposing, and collecting a Refuse Disposal Land Use Fee on all properties within the District's jurisdictional boundaries in accordance with, and in the amounts set forth in, Exhibit "A" attached hereto and incorporated herein by this reference, pursuant to applicable law, including but not limited to the pertinent provisions of the Act, Government Code Section 56886(t), LAFCO Resolution Nos. 2927, 2951, and 3099, and the Fee Transfer Agreement.

2. The Refuse Disposal Land Use Fees hereby levied by the Board are a continuation of the Refuse Disposal Land Use Fees previously charged by the County that have been transferred to the District in accordance with the Fee Transfer Agreement and LAFCO Resolution Nos. 2927, 2951, and 3099 granting the District the active power and authority for refuse collection as the successor agency.

3. The Refuse Disposal Land Use Fees hereby adopted meet the definition of the exception of a tax as defined in Proposition 26 passed November 3, 2010, and amending Article XIII C of the California Constitution. The exceptions met by this fee are: (a) a charge imposed for the specific benefit conferred or privilege granted directly to the payer that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege; (b) a charge imposed for a specific government service or product provided directly to the payer that is not provided to those not charged and which does not exceed the reasonable costs to the local government of providing the service or product; and/or (c) a charge imposed for the entrance to our use of local government property, or the purchase, rental, or lease of local government property. The District has examined the impact of Proposition 26 on fees for solid waste disposal services and has concluded the three exceptions discussed above are applicable and do not violate Proposition 26.

4. The Board hereby authorizes the District's General Manager to take any and all actions necessary to carry out the intent of the Board as set forth herein, and to cause the Refuse Disposal Land Use Fees fixed and established herein to be collected at the same time, and in the same manner, as the levying of special assessments on the 2023-24 San Bernardino County Tax Roll, and/or to be otherwise collected in accordance with all legally-permissible methods available under applicable law.

5. If any Refuse Disposal Land Use Fee hereby adopted becomes delinquent, the amount of the delinquency, together with any interest and penalties thereon, shall constitute a lien on the affected property to the fullest extent legally allowable under applicable law.



**ADOPTED AND APPROVED** this 3rd day of August 2023, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

By: \_\_\_\_\_  
Henry Spiller, President

ATTEST: \_\_\_\_\_  
Sandy Haas, Secretary

Exhibit A

<u>USE CODE</u>	<u>DESCRIPTION</u>	<u>FEES</u>
0510	Single Family Residence (suitable for permanent use)	\$ 85.14
0511	Recreation Cabin (unsuitable for permanent use)	\$ 42.57
0520	Mobile home on fee land, not in a subdivision	\$ 85.14
0525	Mobile home on fee land, in a subdivision	\$ 85.14
0526	Mobile home on a permanent foundation	\$ 85.14
0533	Time share	\$ 85.14
0534	Attached single-family residence (common wall)	\$ 85.14
0535	Zero lot line single-family residence	\$ 85.14
0599	Miscellaneous residential structure	\$ 85.14
0600	Two single-family residences	\$ 170.28
0601	Three single-family residences	\$ 255.42
0602	Four single-family residences	\$ 340.56
0603	Duplex	\$ 170.28
0604	Triplex	\$ 255.42
0605	Quad	\$ 340.56
0610	Multi single-family residence (5 to 14 units)	\$ 425.70
9999	No services provided	\$ 0.00



# Helendale Community Services District

DATE: August 3, 2023  
TO: Board of Directors  
BY: Cheryl Vermette, Parks, Recreation and Programs Supervisor  
FROM: Kimberly Cox, General Manager  
SUBJECT: Agenda item #11  
Discussion and Possible Action Regarding Use of Property for Circus Event

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## **Staff Recommendation**

At the discretion of the Board.

## **Staff Report**

Ventura Circus has approached the District again requesting to use the Community Center property to hold a circus September 27th – October 3rd. The circus would run for four nights. Set up would occur on September 27th and teardown will be October 3rd. The total requested time frame for the use would be 7-8 days.

The Park and Rec committee discussed the use of the property to hold the circus and recommended a \$1,000 fee for the use.

The circus would consist of various acts including tight rope, juggling, clowns, a concession stand, etc., and no animals are used in this circus.

The tent is approximately 100 x 100. Estimated attendance is between 200 – 300 people per night. The vendor will secure the appropriate permits through San Bernardino County and provide additional insurance in the amount of \$3 million.

**Fiscal Impact:** Estimated revenue of \$1,000

**Possible Motion:** Approve use of the Community Center property to hold a circus at the Community Center property.