

MOTION BY SUPERVISOR SHEILA KUEHL

July 23, 2019

Resolution to Waive Waterworks District No. 29 Fees

Recently, the Woolsey Fire raged through the Santa Monica Mountains. It was the largest fire in modern history within the County of Los Angeles. Over 98,000 acres burned taking several hundreds of homes and devastating thousands of residents in our County from Westlake Village to Malibu. Of those homes destroyed or damaged, 500 were within the service area of Los Angeles County Waterworks District No. 29, Malibu (District).

The Board of Supervisors is the governing body of the District. Many of those impacted by the fire have begun the process of rebuilding their homes and others will be embarking upon that process soon - a process that includes District review and approval, including payment of water supply charges and other fees. On December 4, 2018, the Board of Supervisors waived certain County and District fees, including some water service charges, to assist victims of the Woolsey Fire, but additional barriers to rebuilding may still exist. For example, the District's water system infrastructure improvement costs, which are recovered by the levying of various water fees and

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charges as specified in the Rules and Regulations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System, are required to be paid before reconstruction is allowed on damaged properties because of the upgrades in District infrastructure required to meet current fire-flow standards, which are higher than when these homes were originally constructed. Typically, these water supply charges and fees are levied on new or redeveloped structures. However, because of the devastating event of having their homes and properties destroyed by the Woolsey Fire, these water supply charges and fees become applicable to the fire victims when they rebuild their homes. These water fees and charges would add to the already heavy losses faced by those residents displaced by the fire and may present a barrier to some who seek to rebuild.

I, THEREFORE, MOVE that the Board of Supervisors:

1. Authorize the Director of Public Works or his designee, on behalf of the District, to do the following:
 - a. Waive or refund District water supply charges and other fees in whole or in part upon request of those residents displaced by the Woolsey Fire who seek to rebuild their homes, businesses, and/or allowable structures, so long as the residents are not seeking a larger size water service (except for the purposes of meeting current fire sprinkler regulations) and are within the parameters of rebuilding allowed after a disaster within the City of Malibu and the Santa Monica Mountains Coastal Zone Planning Area. These charges and fees include, but are not limited to, those pursuant to the Rules and Regulations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System, rules 1-A-30, 1-A-

32, 1-A-44, 1-A-46, 1-A-47, and 1-A-50, for customers with homes or businesses that were destroyed or substantially damaged, as determined by the Director of Public Works or his designee, in the Woolsey Fire, at a total estimated cost of \$2,200,000.

2. Adopt the Resolution; and
3. Find that the actions set forth in this motion are not a project pursuant to the California Environmental Quality Act as the proposed actions do not constitute a project and are exempt from review under the California Environmental Quality Act Guidelines, Sections 15378(b)(5) and 15061(b)(3).

**RESOLUTION OF THE BOARD OF SUPERVISORS DELEGATING AUTHORITY
TO THE DIRECTOR OF PUBLIC WORKS TO WAIVE OR REFUND
LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 29, MALIBU,
WATER SUPPLY CHARGES AND OTHER FEES RELATED
TO THE WOOLSEY FIRE**

WHEREAS, beginning on November 8, 2018, the Woolsey Fire arose and quickly escalated, affecting many jurisdictions, including the service area of Los Angeles County Waterworks District No. 29, Malibu; and

WHEREAS, the Board of Supervisors of the County of Los Angeles, the Governor of the State of California, and the President of the United States have all proclaimed that an emergency exists due to the conditions created by the Woolsey Fire; and

WHEREAS, immediate repair and hardening of water supply facilities is necessary, including capital improvements; and

WHEREAS, waivers or refunds of water supply charges and other fees in whole or in part are needed to reduce the impact of the Woolsey Fire on the customers of the Los Angeles County Waterworks District No. 29, Malibu, and facilitate the reestablishment of water service to customers with homes or businesses destroyed or substantially damaged by the Woolsey Fire; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Los Angeles, acting as the governing body of the Los Angeles County Waterworks District No. 29, Malibu, does hereby determine and order as follows:

SECTION 1: Waiver or refund of Water Supply Charges and other Fees. The Board of Supervisors, pursuant to Water Code Section 55333, upon substantial evidence set forth above and otherwise in the record, may and hereby does delegate authority to the Director of Public Works or his designee to waive or refund District water supply charges and other fees in whole or in part upon request of those residents displaced by the Woolsey Fire who seek to rebuild their homes, businesses, and/or allowable structures, so long as the residents are not seeking a larger size water service (except for the purposes of meeting current fire sprinkler regulations) and are within the parameters of rebuilding allowed after a disaster within the City of Malibu and the Santa Monica Mountains Coastal Zone Planning Area. These charges and fees include, but are not limited to, those pursuant to the Rules and Regulations of the Los Angeles County Waterworks Districts and the Marina del Rey Water System, rules 1-A-30, 1-A-32, 1-A-44, 1-A-46, 1-A-47, and 1-A-50, for customers with homes or businesses that were destroyed or substantially damaged, as determined by the Director of Public Works or his designee, in the Woolsey Fire, at a total estimated cost of \$2,200,000.

The foregoing resolution was adopted on the ____ day of _____ 2019, by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which the Board of Supervisors so acts.

CELIA ZAVALA
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By Michael Moore / *DM*
MICHAEL L. MOORE
Principal Deputy County Counsel