

ORDINANCE NO. 2026-1

AN UNCODIFIED ORDINANCE OF THE TEHAMA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS ADOPTING AN ADMINISTRATIVE REMEDIES PROCEDURE FOR CHALLENGES TO FEES, CHARGES, AND ASSESSMENTS

THE BOARD OF DIRECTORS OF THE TEHAMA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (“District”) ORDAINS AS FOLLOWS:

SECTION 1. AUTHORITY AND TITLE.

- A. This Ordinance is authorized by the District’s authority under California Water Code Appendix Chapter 82, Government Code section 53759.1, and other applicable law.
- B. This Ordinance shall be called “The District Fee Remedies Procedure.”

SECTION 2. PURPOSE AND FINDINGS.

- A. The purpose of this Ordinance is to create an exhaustion of administrative remedies procedure that requires payors to bring an objection regarding a proposed fee, charge, or any special assessment to the Board of Director’s attention prior to the deadline established as part of the fee, charge, or assessment consideration process. The purpose of the Ordinance is also to provide an opportunity for the District to address or resolve the objection or objections before the Board of Directors makes a final decision on whether to establish a new, or amend a current, fee, charge, or special assessment pursuant to either Prop 26 or Proposition 218.
- B. The procedure created by this Ordinance is intended to provide a meaningful opportunity for a payor to present an objection to a proposed new or amended fee, charge, or any special assessment, and allow the District the opportunity to resolve the objection, before resorting to litigation after the new or amended fee, charge, or special assessment is approved. Even if such an objection is not fully resolved, the District, in considering and responding to the objection, can narrow the dispute and will create a better evidentiary record for court review in deciding any later litigation.
- C. The District finds this Ordinance establishes a “clearly defined machinery for the submission, evaluation, and resolution of complaints by aggrieved parties” (see *Plantier v. Ramona Municipal Water Dist.*, supra, 7 Cal.5th at p. 384, citing *Rosenfield v. Malcom* (1967) 65 Cal.2d 559, 566).

SECTION 3. ORDINANCE.

- A. **.Scope.** The duty to exhaust administrative remedies imposed by this section extends to:

1. any fee or charge subject to articles XIII C or XIII D of the California Constitution,
 2. any assessment on real property levied by the District, and
 3. the methodology used to develop and levy such a fee, charge, or assessment.
- B. "Hearing" as used in this section means the hearing referenced in paragraph 4 of subsection D of this section.
- C. Duty to Exhaust Issues. No person may bring a judicial action or proceeding alleging noncompliance with the California Constitution or other applicable law for any new, increased, or extended fee, charge, or assessment levied by the District, unless that person submitted to the Clerk of the Board of Directors a timely, written objection to that fee, charge, or assessment specifying the grounds for alleging noncompliance. The issues raised in any such action or proceeding shall be limited to those raised in such an objection unless a court finds the issue could not have been raised in such an objection by those exercising reasonable diligence.
- D. Procedures. The District shall:
1. Make available to the public any proposed fee, charge, or assessment to which this section is to apply no less than 45 days before the deadline for a ratepayer or assessed property owner to submit an objection pursuant to paragraph 4 of this subsection D.
 2. Post on its internet website a written basis for the fee, charge, or assessment, such as a cost of service analysis or an engineer's report, and include a link to the internet website in the written notice of the Hearing, including, but not limited to, a notice pursuant to subdivision (c) of Section 4 or paragraph (1) of subdivision (a) of Section 6 of Article XIII D of the California Constitution.
 3. Mail the written basis described in paragraph 2 of this subsection D to a ratepayer or property owner on request.
 4. Provide at least 45 days for a ratepayer or assessed property owner to review the proposed fee or assessment and to timely submit to the Clerk of the Board of Directors a written objection to that fee, charge, or assessment that specifies the grounds for alleging noncompliance. Any objection shall be submitted before the end of the public comment portion of a Hearing on the rate, charge or assessment.
 5. Include in a written notice of the Hearing, a statement in bold-faced type of 12 points or larger that:
 - i. All written objections must be submitted to the Clerk of the Board of Directors by the end of public comment period at the Hearing and that a failure to timely object in writing bars any right to challenge that fee, charge, or assessment in court and that any such action will be limited to issues identified in such objections.

- ii. All substantive and procedural requirements for submitting an objection to the proposed fee, charge, or assessment such as those specified for a property-related fee under California Constitution, article XIII D, section 6(a) or for an assessment on real property under California Constitution, article XIII D, section 4(e).
- E. Board Consideration; District Responses. Before or during the Hearing, the Board of Directors shall consider and the District shall respond in writing to, any timely written objections. The Board of Directors may adjourn the Hearing to another date if necessary to respond to comments received after the agenda is posted for the meeting at which the Hearing occurs. The District's responses shall explain the substantive basis for retaining or altering the proposed fee, charge, or assessment in response to written objections, including any reasons to reject requested amendments.
- F. Board Determinations. The Board of Directors, in exercising its legislative discretion, shall determine whether:
 - 1. The written objections and the District's response warrant clarifications to the proposed fee, charge, or assessment.
 - 2. To reduce the proposed fee, charge or assessment.
 - 3. To further review the proposed fee, charge, or assessment before determining whether clarification or reduction is needed.
 - 4. To proceed with the Hearing, to continue it, or to abandon the proposal.

SECTION 4. CEQA FINDINGS.

The Board of Directors finds that adoption of this Ordinance is exempt from CEQA because: (i) it is not a project within the meaning of Public Resources Code, section 21065 because it has no potential to alter the physical environment; (ii) and pursuant to CEQA Guidelines section 15061(b)(3), the so-called "common sense" exemption, for this same reason.

SECTION 5. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person or circumstance is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons and circumstances. The Board of Directors declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be and is hereby declared to be in full force effect from and after thirty (30) days after the date of its passage and the clerk shall cause this Ordinance or

a summary to be published once before the expiration of fifteen (15) days after said passage, with the names of the Directors voting for or against the same, in the *Red Bluff Daily News*, a newspaper of general circulation in the County of Tehama, State of California.

In regular session of the Board of Directors of the Tehama County Flood Control and Water Conservation District, introduced on the 16th day of March, 2026, and DULY PASSED AND ADOPTED THIS ___ DAY OF _____, 2026, by the Board of Directors of the County of Tehama by following vote:

AYES:
NOES:
ABSENT OR NOT VOTING:

CHAIRMAN, Board of Directors

STATE OF CALIFORNIA)
) §§
COUNTY OF TEHAMA)

I, SEAN HOUGHTBY, County Clerk and ex-officio Clerk of the Board of Directors of the Tehama County Flood Control and Water Conservation District, State of California, hereby certify the above and foregoing to be a full, true and correct copy of an ordinance adopted by said Board of Directors on the _____ day of _____, 2026.

DATED this _____ day of _____ 2026.

SEAN HOUGHTBY, County Clerk of
the Board of Directors of the Tehama County
Flood Control and Water Conservation
District, State of California

By _____