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August 26, 2019

Via Overnight Mail

Long Beach Board of Water Commissioners
ATTN: EXECUTIVE ASSISTANT TO THE BOARD
1800 East Wardlow Road
Long Beach, CA 90807

RE: Adoption of Water and Sewer Rates
August 29, 2019 Proposition 218 Hearing

Dear Board of Water Commissioners:

Please be advised that this firm represents Long Beach Water Department customers Diana Lejins (3515 Josie Ave., Long Beach, CA 90808) and Angela Kimball (3826 Gondar Ave, Long Beach, CA 90808). Ms. Lejins and Ms. Kimball hereby object to and protest the Water Department's proposed establishment of water and sewer rates as reflected in Resolution WD-1413 passed by the Board of Water Commissioners (Board) on June 13, 2019 (effective October 1, 2019).

They object to the extent that Resolution WD-1413 continues the practice of embedding surcharges pursuant to Measure M and City Charter section 1407(8). We believe such action is illegal and unconstitutional for the reasons set forth in the lawsuit entitled *Lejins, et. al. v. City of Long Beach*, Los Angeles Superior Court Case No. 18STCP02628 and as more fully set forth in our Opening Brief filed in the matter on August 23, 2019.

We respectfully request that you rescind Resolution WD-1413 and not transmit it to City Council for approval.

Sincerely,



Eric J. Benink