

RESOLUTION NO. 2021-11
A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT
ADOPTING INCREASES TO REFUSE COLLECTION SERVICES CHARGES
IN ACCORDANCE WITH PREVIOUSLY-APPROVED SCHEDULE

WHEREAS, the Phelan Piñon Hills Community Services District ("District") is a Community Services District located within the County of San Bernardino and is organized and operates pursuant to the California Government Code Section 61000 et seq.

WHEREAS, on or about September 19, 2007, the Local Agency Formation Commission of the County of San Bernardino ("LAFCO") adopted Resolution No. 2969 which made determinations on, and approved the incorporation of, the District which was subsequently approved by the electorate pursuant to an election held on February 5, 2008, and thereafter confirmed by LAFCO pursuant to its adoption of Resolution No. 2994 on March 18, 2008, all of which operated to authorize the formation of the District as the successor agency for the performance of water, street lighting, parks, and recreation functions and services within the prior County Service Area 9, County Service Area 56 Improvement Zone F-1, and County Service Area 70 Improvement Zones L and P-4 (the "District Boundaries").

WHEREAS, on or about November 16, 2011, LAFCO adopted Resolution No. 3153 which specifically authorizes the District to collect, transfer, and dispose of solid waste and to provide solid waste handling services, including but not limited to source reduction, recycling, and composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code ("Solid Waste Services"), within the District Boundaries.

WHEREAS, pursuant to the authority expressly set forth in LAFCO Resolution No. 3153, the District entered into an Exclusive Franchise Agreement with CR&R Waste Industries, Inc. ("CR&R"), effective February 9, 2012 (the "Initial Franchise Agreement"), which granted to CR&R the exclusive right, privilege, and franchise to provide certain Solid Waste Services (as described in the Initial Franchise Agreement) within the District Boundaries, subject to the terms and conditions of said Initial Franchise Agreement.

WHEREAS, the District subsequently entered into a new Exclusive Franchise Agreement with CR&R, effective July 1, 2019 (the "Franchise Agreement"), which granted to CR&R the exclusive right, privilege, and franchise to provide certain Solid Waste Services (as described in the Franchise Agreement) within the District Boundaries, subject to the terms and conditions of said Franchise Agreement.

WHEREAS, pursuant to Government Code Section 53756 and Section 9.04 of the Franchise Agreement, the Board adopted Resolution No. 2019-10 on or about June 19, 2019, which established a rate schedule for the refuse collection service charges for the Solid Waste Services, subject to potential annual adjustment effective July 1 for the years 2020-2022 in an amount equal to the calendar year annual twelve-month change in the Consumer Price Index ("CPI") for All Urban Consumers for the Los Angeles/Anaheim/Riverside Metropolitan Area as published by the United States Department of Labor, Bureau of Labor Statistics.

WHEREAS, CR&R submitted to the District a written request on April 29, 2021, for a rate adjustment incorporating CPI that was accepted by the District's Board of Directors by minute action on or about May 19, 2021.

WHEREAS, the revenue raised by the proposed rate increases to the refuse collection service charges will be used to provide adequate Solid Waste Services within the District Boundaries and do not exceed the total cost of such services.

WHEREAS, this action is necessary to meet operation and administration expenses for refuse disposal and recycling programs, and to obtain funds necessary to maintain adequate Solid Waste Services within the District Boundaries, and is therefore exempt from the requirements of the California Environmental Quality Act as provided by Public Resources Code Section 21080(b)(8).

WHEREAS, the amount of the rates and charges hereby adopted do not exceed the reasonable anticipated costs for the corresponding services provided by the District, and therefore the fees imposed hereby to not qualify as a "tax" under Article XIII C, Section 1(e) of the California Constitution or Section 50076 of the California Government Code, and the actions taken herein are exempt from the additional notice and public meeting requirements of the Brown Act pursuant to Government Code Section 54954.6(a)(1)(A) and (B).

WHEREAS, the District has satisfied all of the substantive and procedural prerequisites of Articles XIII C and XIII D of the California Constitution in establishing the rates and charges set forth herein, including but not limited to, the identification of the parcels upon which the rates and charges will be imposed; the calculation of the rates and charges; the mailing of written notice to the record owners of each parcel upon which the rates and charges will be imposed describing the amount thereof, the basis upon which the rates and charges were calculated, the reason for the rates and charges, and the date, time, and location of the public hearing to be held thereon; and the conducting of a public hearing on the rates and charges not less than 45 days after mailing the notice during which all protests against the fee were considered.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Phelan Piñon Hills Community Services District does hereby resolve and determine that the public interest and necessity requires the adoption of the following rates and charges for Solid Waste Services, as well as affirmation and ratification of all prior rates and charges previously approved and/or adopted by the District's Board of Directors:

SECTION 1. REFUSE COLLECTION SERVICE CHARGES

The rates for residential and commercial refuse collection services charges for Solid Waste Services within the District Boundaries are hereby established in the amounts listed in Exhibit "A" attached hereto and incorporated herein by this reference.

SECTION 2. GENERAL MANAGER AUTHORITY

The District's General Manager is hereby authorized to take any and all actions necessary to carry out the intent of the District's Board of Directors as is stated herein and as otherwise required in order to comply with applicable law.

SECTION 3. EFFECTIVE DATE

This Resolution shall take effect on July 1, 2021, and shall supersede any and all prior resolutions and ordinances applicable to the District only to the extent expressly inconsistent with the terms hereof.

ADOPTED by the Board of Directors of the Phelan Piñon Hills Community Services District at a regular meeting held on June 2, 2021, by the following vote:

AYES: Hoffman, Johnson, Kujawa, Philips, Roberts
NOES: _____
ABSENT: _____
ABSTAIN: _____



President, Board of Directors

Attest:



Secretary, Board of Directors