

RESOLUTION NO. 2023-15
**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT
ADOPTING RATES FOR SOLID WASTE COLLECTION
SERVICES CHARGES**

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 of Directors ("Board") adopted Resolution No. 2021-11 on or about June 2, 2021, which codified 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, the District amended its Franchise Agreement on January 19, 2022, to implement collection programs, meet processing facility requirements, conduct contamination monitoring, provide education, maintain records, submit reports, monitor compliance, conduct enforcement, and fulfill other requirements of the Short-Lived Climate Pollutants Bill of 2016 ("SB 1383").

WHEREAS, CR&R submitted to the District a written request to the Board on March 22, 2023, for a rate adjustment incorporating the cost of service to meet the requirements of SB 1383 and existing services subject to potential annual adjustment effective July 1 for the years 2024-2028 by and amount equal to the calendar year annual twelve-month change in the CPI for All Urban Consumers (CPI-U) for the Riverside/San Bernardino/Ontario Area (December 2017 = 100) CUURS49CSA0. With respect to commercial services, if the tipping fee charged at the landfill or disposal site then in use is adjusted for inflation by the County of San Bernardino at any time during the five-year period from July 1, 2024, to June 30, 2029, the Customer Rates set forth in Exhibit A that are thereby affected may be adjusted by a corresponding equal amount following notice given pursuant to Government Code Section 53755(a) not less than thirty days before the effective date of said adjustment.

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 do 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, 2023, 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 14, 2023, by the following vote:

AYES: Hays, Philips, Roberts, Snyder
NOES:
ABSENT: Kujawa
ABSTAIN:



President, Board of Directors

Attest:



Secretary, Board of Directors

Exhibit A

FEE DESCRIPTION	RATES EFF. 7/1/23	FREQUENCY	% CHANGE FROM 7/1/22
RESIDENTIAL BARREL SERVICE			
3 Carts – (64 Gallons EA) 1 EA: Trash, Recycling, Organics	\$30.98	Per Month	0%
Each Additional Cart (64 Gallons)	\$7.01	Per Month	0%
Pull Out Service	\$10.49	Per Month	N/A
RESIDENTIAL BIN SERVICE (NOTE: Refuse bin will also include 1 recycling and 1 organics cart)*			
REFUSE (TRASH)			
1.5 Cubic Yard ("CY")	\$90.87	Per Month	23.06%
2 CY	\$121.20	Per Month	25.65%
2 CY 2x/week	\$225.15	Per Month	25.66%
3 CY	\$181.82	Per Month	25.64%
3 CY 2x/week	\$337.79	Per Month	25.64%
4 CY	\$242.35	Per Month	25.65%
4 CY 2x/week	\$450.17	Per Month	25.64%
RECYCLING			
64 Gallon	\$7.01	Per Month	N/A
2 CY	\$110.53	Per Month	N/A
3 CY	\$165.76	Per Month	N/A
4 CY	\$217.76	Per Month	N/A
ORGANICS			
64 Gallon	\$7.01	Per Month	N/A
2 CY	\$294.36	Per Month	N/A
SPECIAL CHARGES			
Extra Pick-Up/Occurrence	\$92.26	Per Occurrence	N/A
COMMERCIAL CART SERVICE			
3 Carts – (64 Gallons EA) 1 EA: Trash, Recycling, Organics	\$49.50	Per Month	-74.01%
Each Additional Cart (Trash/Recycling/Organics)	\$7.96	Per Month	N/A
COMMERCIAL BIN SERVICE (NOTE: Refuse bin will also include 1 recycling and 1 organics cart)*			
REFUSE (TRASH)			
2 CY 1x/week	\$155.34	Per Month	23.68%
2 CY 2x/week	\$294.29	Per Month	23.68%
2 CY 3x/week	\$433.30	Per Month	23.68%
2 CY 4x/week	\$572.26	Per Month	23.68%
2 CY 5x/week	\$711.26	Per Month	23.68%
2 CY 6x/week	\$850.25	Per Month	23.68%
3 CY 1x/week	\$241.01	Per Month	23.67%
3 CY 2x/week	\$432.19	Per Month	23.68%
3 CY 3x/week	\$631.31	Per Month	23.68%
3 CY 4x/week	\$830.42	Per Month	23.68%
3 CY 5x/week	\$1,029.50	Per Month	23.67%
3 CY 6x/week	\$1,228.60	Per Month	23.68%
4 CY 1x/week	\$308.95	Per Month	23.68%
4 CY 2x/week	\$572.84	Per Month	23.69%
4 CY 3x/week	\$836.66	Per Month	23.68%
4 CY 4x/week	\$1,100.46	Per Month	23.68%
4 CY 5x/week	\$1,364.28	Per Month	23.68%
4 CY 6x/week	\$1,628.18	Per Month	23.68%
RECYCLING			
2 CY 1x/week	\$147.57	Per Month	74.66%
2 CY 2x/week	\$279.58	Per Month	N/A
3 CY 1x/week	\$228.96	Per Month	37.52%
ORGANICS			
2 CY Clean-up Bin	\$294.36	Per Occurrence	N/A
SPECIAL CHARGES			
Extra Pick Up/Occurrence	\$84.97	Per Occurrence	N/A

Exhibit A

FEE DESCRIPTION	RATES EFF. 7/1/23	FREQUENCY	% CHANGE FROM 7/1/22
3 CY Clean-up Bin	\$178.71	Per Dump	23.68%
6 CY Clean-up Bin	\$357.40	Per Dump	23.68%
ROLL OFF SERVICE			
Refuse – 10 CY Box (up to 7.5 tons)	\$781.32	Per Occurrence	8.38%
Refuse – 20 CY Box (up to 3.5 tons)	\$541.56	Per Occurrence	-8.41%
Refuse – 30 CY Box (up to 4 tons)	\$571.53	Per Occurrence	N/A
Refuse – 40 CY Box (up to 4 tons)	\$571.53	Per Occurrence	-20.72%
ADDITIONAL RESIDENTIAL FEES			
Additional Pick-up 1.5CY Bin	\$16.28	Per Occurrence	0%
Additional Pick-up 2CY Bin	\$21.38	Per Occurrence	0%
Additional Pick-up 3CY Bin	\$32.53	Per Occurrence	0%
Additional Pick-up 4CY Bin	\$43.39	Per Occurrence	0%
Additional Pick-up Cart	\$6.70	Per Occurrence	0%
Extra Pick-up Off Route Service Fee	\$54.07	Per Occurrence	0%
Bin Exchange - Change in Service	\$27.03	Per Occurrence	0%
New Account Set Up Fee	\$27.03	Per Occurrence	0%
New Account Delivery Fee	\$27.03	Per Occurrence	0%
Delivery Fee 1.5 yard/2 yard/3 yard/4 yard	\$27.03	Per Occurrence	0%
Pull Out Service	\$10.49	Per Month	N/A
Special Event Box Delivery	\$0.00	Per Occurrence	0%
Special Event Trash Box w/ Lid and Liner	\$3.24	Each	0%
Special Event Recycle Box w/ Lid and Liner	\$3.24	Each	0%
Cart Re-delivery New Customer	\$27.03	Per Occurrence	0%
Cart Delivery - Lost Cart	\$54.07	Per Occurrence	0%
Cart Re-instatement - Delinquent Account	\$37.85	Per Occurrence	0%
Contamination of Recycle Cart	\$27.03	Per Occurrence	0%
Mail-In Sharps Kit	\$111.38	Per Occurrence	0%
Additional Cart Delivery	\$16.23	Per Occurrence	0%
Burned /Damaged Cart Replacement Fee	\$54.07	Per Occurrence	0%
Cart Replacement (more than 1 per year)	\$16.23	Per Occurrence	0%
Cart Removal - Delinquent Account	\$37.85	Per Occurrence	0%
Unable to Pull Cart for Nonpayment	\$27.03	Per Occurrence	0%
Pull Carts - Stop Service	\$27.03	Per Occurrence	0%
Pull Additional Cart	\$16.23	Per Occurrence	0%
Pull Recycling Cart	\$16.23	Per Occurrence	0%
Convert to Locking Bin	\$48.67	Per Occurrence	0%
Bin Re-Delivery Fee - Due to Nonpayment	\$27.03	Per Occurrence	0%
Steam Cleaning	\$37.85	Per Occurrence	0%
Bulky Item Pickup - 2x per year, 4 items	\$0.00	Per Occurrence	0%
Additional Bulky Item Pickup, per item	\$21.63	Per Item	0%
Additional Trash Bags - Per 32gal Bag	\$1.35	Per Bag	0%
Non-Customer Special - 3 Carts or 6 Bags	\$37.85	Per Occurrence	0%
Christmas Tree Collection - Dec 26 - Jan 15	\$0.00		0%
ADDITIONAL COMMERCIAL FEES			
Account Set Up Fee - New Customer	\$27.03	Per Occurrence	0%
Delivery Fee - Cart	\$27.03	Per Occurrence	0%
Removal Fee - Cart	\$27.03	Per Occurrence	0%
Delivery Fee - 2YD, 3YD, 4YD Bin	\$27.03	Per Occurrence	0%
Overage Fee	\$54.07	Per Occurrence	0%
Delinquent Account Removal Fee	\$59.47	Per Occurrence	0%
Delinquent Account Re-Instatement fee	\$59.47	Per Occurrence	0%
Extra Pick-up 2CY Refuse	\$28.60	Per Occurrence	0%
Extra Pick-up 3 CY Refuse	\$44.39	Per Occurrence	0%
Extra Pick-up 4CY Refuse	\$56.89	Per Occurrence	0%

Exhibit A

FEE DESCRIPTION	RATES EFF. 7/1/23	FREQUENCY	% CHANGE FROM 7/1/22
Extra Pick-up Off-Route Service Fee * added on route charge	\$54.07	Per Occurrence	0%
Contamination of Recycle Bin	\$75.70	Per Occurrence	0%
Additional Pick-Up on Existing Recycling Bin	\$70.30	Per Occurrence	0%
Bin Relocation Fee	\$54.07	Per Occurrence	0%
Bin Rollout Fee	\$0.00	Per Occurrence	0%
Bin Exchange - Once per year	\$0.00	Per Occurrence	0%
Bin Exchange - More than once per year	\$81.10	Per Occurrence	0%
Convert Bin to Locking Lid	\$48.67	Per Occurrence	0%
Replacement Bin Lock or Key	\$16.23	Per Occurrence	0%
Enclosure Clean Out Fee	Varies	Based on Estimate	N/A
Replacement of Stolen or Burned Bin	\$594.76	Per Occurrence	0%
Bulky Item Pick Up, per item	\$27.03	Per Occurrence	0%
Scout Service	\$48.67	Per Occurrence	0%
Courtesy Pick Up	\$0.00	Per Occurrence	0%
Stinger - Pull Out Service/Bin	\$48.67	Per Occurrence	0%
Roll Off Service Extra Charge/Ton	\$64.82	Per Occurrence	0%
Roll Off Service Steam Cleaning	\$40.21	Per Occurrence	0%
Roll Off Service After 10 Days	\$12.45	Per Day	0%
Roll Off Service - Pull Empty Bin	\$91.91	Per Occurrence	0%
Roll Off - New Account Set Up Fee	\$59.47	Per Occurrence	0%
Roll Off - Compactor Haul Fee + Processing/Disposal	\$378.48	Per Occurrence	0%
Roll Off - Container Delivery Fee	\$81.10	Per Occurrence	0%
Roll Off - Container Removal Fee	\$81.10	Per Occurrence	0%
Roll Off - False Run Fee	\$91.91	Per Occurrence	0%
Roll Off - Relocation Box Fee	\$70.30	Per Occurrence	0%
Roll Off - Delinquent Account Removal Fee	\$81.10	Per Occurrence	0%
Roll Off - Delinquent Account Re-Instatement Fee	\$81.10	Per Occurrence	0%
Permanent Roll Off – 10 CY Box	\$332.00	Monthly Rental	0%
Permanent Roll Off – 20 CY Box	\$332.00	Monthly Rental	0%
Permanent Roll Off – 40 CY Box	\$332.00	Monthly Rental	0%
Clean-up Bin Trip Charge - 3CY/6CY	\$64.01	Per Occurrence	0%
ADDITIONAL ROLLOFF FEES			
Roll Off Rental After 10 Days	\$13.00	Per Day	N/A
Roll Off Service-Pull Empty Bin	\$125.00	Per Occurrence	36.00%
Roll Off-New Account Set Up Fee	\$15.00	Per Occurrence	-74.78%
Roll Off-Compactor Haul Only Fee	\$392.00	Per Haul	3.57%
Roll Off-Container Delivery/Removal Fee	\$69.00	Per Occurrence	-14.92%
Roll Off-False Run Fee	\$69.00	Per Occurrence	-24.93%
Roll Off-Relocation Box Fee	\$69.00	Per Occurrence	-1.85%
Roll Off-Delinquent Account Removal Fee	\$69.00	Per Occurrence	-14.92%
Roll Off-Delinquent Account Reinstatement Fee	\$69.00	Per Occurrence	-14.92%