

RESOLUTION 2019- 07

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE AVILA BEACH COMMUNITY SERVICES DISTRICT
CONFIRMING COMPLIANCE WITH THE PROTEST PROCEDURES OF SECTION 6,
ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION AND ADOPTING
INCREASED RATES AND CHARGES FOR COMMERCIAL AND RESIDENTIAL
COLLECTION AND DISPOSAL OF SOLID WASTE**

WHEREAS, South County Sanitary Service (herein the “Garbage Company”), pursuant to an exclusive franchise agreement, currently provides commercial and residential collection and disposal of solid waste services within the Avila Beach Community Services District (“District”) boundary; and

WHEREAS, Government Code §61115 authorizes the District Board of Directors to adopt rates or other charges by Resolution; and

WHEREAS, at the September 12, 2019 public hearing, the Board of Directors considered public comment in support and in opposition to the proposed rate increase and whether or not a majority protest exists pursuant to Section 6 of Article XIII D of the California Constitution; and

WHEREAS, based on facts and analysis presented by the District staff, the Staff Report, written protests received prior to the close of the public hearing and public testimony received, the Board of Directors finds:

A. The public hearing adopting this Resolution has been properly noticed pursuant to Government Code §54954.2 (The Brown Act) and Section 6 of Article XIII D of the California Constitution. The 45 Day Notice to Property Owners and/or Tenant Customers is incorporated herein by this reference.

B. The written protests received by the District prior to the close of the public hearing do not constitute a majority protest.

C. That the rates and charges adopted by this Resolution:

1. Are for the purposes of meeting operating expenses for providing solid waste collection and disposal services within the District.
2. Do not exceed the funds required to provide commercial and residential solid waste collection and disposal services.
3. Do not exceed the proportional cost of services attributable to those parcels receiving solid waste collection and disposal services.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Avila Beach Community Services District Board of Directors as follows:

Section 1. Rates and Charges.

The rates and charges for commercial and residential collection and disposal of solid waste, as established in Exhibit A, attached hereto and incorporated herein by this reference, are approved and adopted.

Section 2. Incorporation of Recitals.

The above Recitals are true and correct and incorporated herein by this reference and constitute findings in support of this Resolution.

Section 3. Severability.

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Resolution. The Governing Board of the District hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 4. Effect of Repeal on Past Actions and Obligations.

This Resolution does not affect prosecutions for violations committed prior to the effective date of this Resolution, does not waive any fee or penalty due and unpaid on the effective date of this Resolution.

Section 5. CEQA Findings.

The Board of Directors of the District finds that the rates and charges adopted by this Resolution are exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines Section 15273.

Section 6. Inconsistency.

To the extent that the terms or provisions of this Resolution may be inconsistent or in conflict with the terms or conditions of any prior District Ordinance(s), Motions, Resolutions, Rules, or Regulations, governing the same subject matter thereof, then such inconsistent and conflicting provisions of prior Ordinances, Motions, Resolutions, Rules, and Regulations are hereby repealed.

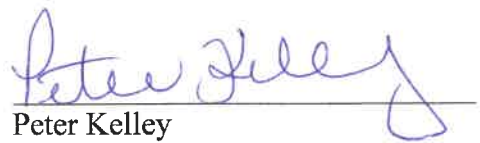
Section 7. Effective Date.

This Resolution shall take effect immediately. The rates and charges adopted by this Resolution shall take effect September 1, 2019.

On the motion of Director Helonius, seconded by Director Kelley and on the following roll call vote, to wit:

AYES: 3
NOES: 1
ABSENT: 1

The foregoing Resolution is hereby passed, approved and adopted by the Board of Directors of the Avila Beach Community Services District this 12th day of September 2019.



Peter Kelley
President of the Board
AVILA BEACH COMMUNITY
SERVICES DISTRICT

ATTEST:



Brad Hagemann
General Manager
and Secretary to the Board

APPROVED AS TO FORM:



Michael W. Seitz
District Legal Counsel

Notice of Public Hearing Regarding Proposed Solid Waste Rate Increase

Property Owners and Tenants - Customers:

This notice has been updated and is intended to inform you that the Avila Beach Community Services District (the "CSD") will hold a special meeting regarding rate increases (the "Proposed Rate Increase") proposed by South County Sanitary Service (the "Garbage Company") for properties and customers receiving solid waste, recycling, and green waste services within the CSD. The Proposed Rate Increase will be considered by the CSD at the date, time, and location specified below. Consistent with the requirements of Proposition 218, this notice also provides you with the following information:

- The Date, Time, and Place of the Public Hearing;
- The Reason for the Proposed Rate Increase; and
- The Basis for the Proposed Rate Increase; and
- The Majority Protest Procedures.

NOTICE OF PUBLIC HEARING

The Public Hearing for the Proposed Rate Increase within the District limits will be held on:

Date: September 12, 2019

Time: 12:30 PM

Place: Avila Beach CSD Boardroom located at 100 San Luis Street, Avila Beach, CA

At the Public Hearing, the Avila Beach CSD will consider all public comment in support of and in opposition to the Proposed Rate Increase and whether or not a Majority Protest exists pursuant to the California Constitution (as described below). If approved, the Proposed Rate Increase would become effective on July 1, 2019.

Reason for the Proposed Rate Increase

The Proposed Rate Increase (amounting to an increase of 10.06 percent for solid waste, recycling, and green waste services) is necessary for the Garbage Company to continue to provide safe, environmentally sound, and reliable solid waste, recycling, and green waste collection, transportation and disposal or processing services to the citizens of the District. Several factors have contributed to these increased costs, including, but not limited to: the rising costs associated with the processing of recycling material, increased costs associated with purchase, operation and fuel for vehicles, increased labor costs, and costs associated with the implementation of an Organics Program mandated by California Assembly Bill 1826 (AB 1826). AB 1826 requires local jurisdictions to develop a program to divert organic waste from landfills to an authorized composting facility. Organic waste is food waste, green waste, landscape and pruning waste, and nonhazardous wood waste.

Basis of the Proposed Rate Increase

The total Proposed Rate Increase of 10.06 percent is based on the following cost increases incurred by the Garbage Company:

1. 4.4 percent of the Proposed Rate Increase is based on increased vehicle costs that include costs for new equipment, maintenance of vehicle fleets to stay current with the California Air Resources Board rules and regulations, fuel, and increased labor costs.
2. -3.92 percent of the Proposed Rate is savings based on the net result of improvements in the cost of operations.
3. 3.1 percent of the Proposed Rate Increase is based on the implementation of an Organics Program mandated by the State of California.
4. 6.48 percent of the Proposed Rate Increase is related to the cost to process recyclable materials.

In addition, commencing on January 1, 2020 and January 1, 2021, rates shall be increased based on the following:

1. Increases, if any, in the Consumer Price Index (CPI) for Bureau of Labor Statistics' Consumer Price Index for Urban Consumers based on the All U.S. City Average, Bureau of Labor Statistics for the month of June 2019 for January 1, 2020 and June 2020 for January 1, 2021.
2. Increases of 0.85 percent on January 1, 2020 and 0.82 percent for January 1, 2021 for increases in the cost of landfill disposal.

A copy of the 2019 Base Year Rate Adjustment Application, which provides additional information on the proposed rate increases, is available at the Avila Beach CSD Boardroom located at 100 San Luis St. Avila Beach, CA.

How Do I Protest the Proposed Rate Increase?

Pursuant to Section 6 of Article XIII D of the California Constitution, the following persons may submit a written protest against the Proposed Rate Increase to the Clerk of the Board before the close of the Public Hearing referenced above.

- An owner(s) of property (parcel(s)) receiving solid waste, recycling, and green waste services within the District limits. If the person(s) signing the protest, as an owner, is not shown on the last equalized assessment roll as the owner of the parcel(s) then the protest must contain or be accompanied by written evidence that such person signing the protest is the owner of the parcel(s) receiving services;
or
- A tenant(s) whose name appears on the Garbage Company's records as the customer of record for the corresponding parcel receiving solid waste, recycling, and green waste services within the District limits (tenant-customer).

A valid written protest must contain a statement that you protest the Proposed Rate Increase, the address or Assessor's Parcel Number (APN) of the parcel or parcels which receive solid waste, recycling, and green waste services, and a signature by either the owner or the tenant-customer of the parcel or parcels. One written protest per parcel shall be counted in calculating a majority protest to the Proposed Rate Increase subject to the requirements of Section 6 of Article XIII D of the California Constitution. Written protests will not be accepted by e-mail or by facsimile. Verbal protests will not be counted in determining the existence of a majority protest. To be counted, a protest must be received in writing by the Clerk of the Board before the close of the Public Hearing referenced above.

Written protests regarding the solid waste rate increase may be mailed to:

Avila Beach CSD
Attn: Clerk of the Board
100 San Luis Street, Avila Beach, CA 93424

Written protests may also be personally delivered to the Clerk of the Board at Avila Beach CSD Boardroom located at 100 San Luis St. Avila Beach, CA.

If valid written protests are presented by a majority of owners and/or tenants-customers of parcels receiving solid waste, recycling, and green waste services within the District limits, then the District will not adjust/increase the rates for the services.

SOUTH COUNTY SANITARY SERVICES, INC. / AVILA BEACH CSD **EFFECTIVE September 1, 2019**

Service Description	Pickups Per Week	Current Monthly Rate Effective 1/1/19	Proposed Base Year Rate Increase %	Proposed Monthly Rate Effective 9/1/2019
RESIDENTIAL:				
32 Gallon Residential Carts	1	\$18.30	10.06%	\$20.14
64 Gallon Residential Carts	1	\$30.23	10.06%	\$33.27
96 Gallon Residential Carts	1	\$42.16	10.06%	\$46.40
Residential customers must use the Residential Carts provided by the garbage company.				
APARTMENTS, TRIPLEX, DUPLEX				
Rates are the same as commercial rates (below).				
COMMERCIAL DUMPSTERS - ALL AREAS:				
1 yd dumpster	1	\$88.87	10.06%	\$97.81
1 yd dumpster	2	\$127.87	10.06%	\$140.73
1 yd dumpster	3	\$168.95	10.06%	\$185.95
1 yd dumpster	4	\$207.95	10.06%	\$228.87
1 yd dumpster	5	\$251.23	10.06%	\$276.50
1 yd dumpster	6	\$292.41	10.06%	\$321.83
1 yd dumpster	7	\$389.85	10.06%	\$429.07

COMMERCIAL DUMPSTERS - ALL AREAS - CONTINUED

1.5 yd dumpster	1	\$106.13	10.06%	\$116.81
1.5 yd dumpster	2	\$162.35	10.06%	\$178.68
1.5 yd dumpster	3	\$218.82	10.06%	\$240.83
1.5 yd dumpster	4	\$305.38	10.06%	\$336.10
1.5 yd dumpster	5	\$372.51	10.06%	\$409.98
1.5 yd dumpster	6	\$443.99	10.06%	\$488.66
1.5 yd dumpster	7	\$587.01	10.06%	\$646.06
2 yd dumpster	1	\$114.79	10.06%	\$126.34
2 yd dumpster	2	\$188.40	10.06%	\$207.35
2 yd dumpster	3	\$268.48	10.06%	\$295.49
2 yd dumpster	4	\$392.07	10.06%	\$431.51
2 yd dumpster	5	\$480.92	10.06%	\$529.30
2 yd dumpster	6	\$573.97	10.06%	\$631.71
2 yd dumpster	7	\$786.17	10.06%	\$865.26
3 yd dumpster	1	\$136.42	10.06%	\$150.14
3 yd dumpster	2	\$255.51	10.06%	\$281.21
3 yd dumpster	3	\$357.35	10.06%	\$393.30
3 yd dumpster	4	\$636.68	10.06%	\$700.73
3 yd dumpster	5	\$755.88	10.06%	\$831.92
3 yd dumpster	6	\$883.62	10.06%	\$972.51
3 yd dumpster	7	\$1,217.14	10.06%	\$1,339.58
4 yd dumpster	1	\$197.05	10.06%	\$216.87
4 yd dumpster	2	\$296.79	10.06%	\$326.65
4 yd dumpster	3	\$426.65	10.06%	\$469.57
4 yd dumpster	4	\$669.29	10.06%	\$736.62
4 yd dumpster	5	\$829.45	10.06%	\$912.89
4 yd dumpster	6	\$942.16	10.06%	\$1,036.94
4 yd dumpster	7	\$1,464.09	10.06%	\$1,611.38

The rates shown above include the monthly container rental fee.

COMMERCIAL GARBAGE CANS - ALL AREAS:

32 Gallon Cart	1	\$25.62	10.06%	\$28.20
64 Gallon Cart	2	\$68.67	10.06%	\$75.58
96 Gallon Cart	1	\$53.36	10.06%	\$58.73
96 Gallon Cart	2	\$76.77	10.06%	\$84.49
96 Gallon Cart	3	\$110.46	10.06%	\$121.57
96 Gallon Cart	4	\$173.91	10.06%	\$191.41
96 Gallon Cart	5	\$204.82	10.06%	\$225.42

MISCELLANEOUS CHARGES - ALL CUSTOMERS:

Overstacked Garbage & extra bags Minimum/unit	each	\$4.89	10.06%	\$5.38
Overstacked Greenwaste & extra bags Minimum/unit	each	\$5.65	10.06%	\$6.22
Overstacked Blue Bin & extra bags Minimum/unit	each	\$2.45	10.06%	\$2.70
In yard service (per can or commodity) IN ADDITION TO STANDARD GARBAGE RATES	per month	\$12.20	10.06%	\$13.43
Monthly charge for additional 96-gallon green waste service	per month	\$5.65	10.06%	\$6.21
Monthly charge for additional Residential 32, 64 or 96-gallon recycle service	per month	\$2.82	10.06%	\$3.10
Extended Vacation Service	per month	\$14.01	10.06%	\$15.41
Commercial Cart Cleaning	each time	\$18.21	10.06%	\$20.04
Trip charge	each time	\$12.20	10.06%	\$13.43
Non-payment downsize service	each time	\$29.34	10.06%	\$32.29
Non-payment redeliver carts for service	each time	\$29.34	10.06%	\$32.29
Non-payment reconnect service	each time	\$29.34	10.06%	\$32.29
Small item pickup (TV, toilet) (Residential)	each	\$28.63	10.06%	\$31.51
Appliance pickup (Residential)	each	\$40.37	10.06%	\$44.43
Resi - Garbage extras on your scheduled pickup day	per yard	\$10.31	10.06%	\$11.35

The Garbage Company
4388 Old Santa Fe Road
San Luis Obispo, CA 93401

PRESORTED
STANDARD
U.S. POSTAGE PAID
CENTRAL COAST
PRINTING

000001 * 0000059

AVILA BEACH CSD
BRAD HAGEMANN
OR CURRENT RESIDENT
PO BOX 309
AVILA BEACH, CA 93424-0309



MISCELLANEOUS CHARGES - ALL CUSTOMERS - CONTINUED				
Garbage extras – Non pick up day (Residential)	per yard	\$28.43	10.06%	\$31.29
Re-deliver bin on stopped acct	each time	\$35.00	10.06%	\$38.52
Sunday Service (in additional to garbage service level)	per month	\$61.10	10.06%	\$67.25
Recycle bin rental	per month	\$6.80	10.06%	\$7.48
Stand by time	per hour	\$60.00	10.06%	\$66.04
Lock Charges	per month	\$6.80	10.06%	\$7.48
Clean Up Week	per item	\$10.00	10.06%	\$11.01
Extra bin cleaning		\$54.61	10.06%	\$60.10
Damage/Destruction of bins or waste wheelers	replacement/repair at market price			
Larger than residential appliance or glass, glass doors, or plate glass	By quote only			
Short Term Dumpsters:				
Delivery & Pickup-Bin		\$35.00	10.06%	\$38.52
Delivery & Pickup-Waste Wheeler		\$12.20	10.06%	\$13.43
Rental	Per Day	\$2.59	10.06%	\$2.85
Empties	Per Yard	\$28.43	10.06%	\$31.29
Commercial Cart Equivalent	Per 32 Gal	4.89	10.06%	\$5.38
Mattress:				
Twin	Each	\$15.89	10.06%	\$17.49
Double	Each	\$15.89	10.06%	\$17.49
Queen	Each	\$15.89	10.06%	\$17.49
King	Each	\$15.89	10.06%	\$17.49
ADDITIONAL INFORMATION ALL CUSTOMERS:				
Late Fees are imposed for residential customers over 30 days delinquent and commercial customers over 30 days delinquent. The fee is 1.5% per month of the outstanding charge, with a minimum fee of \$5.00. No prior notice is required, as this late fee policy is stated at the bottom of every bill.				
Compactors can be hauled at market rate plus disposal.				
Any additional recycling services are charged out at 50% of the garbage rate.				