

RESOLUTION 2013-01

**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 March 13, 2013 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. The District General Manager is directed to prepare and file appropriate notices and findings.

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.

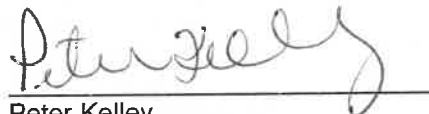
Section 7. Effective Date.

This Resolution shall take effect immediately. The rates and charges adopted by this Resolution shall take effect April 1, 2013.

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

AYES: Kelley Richards Rowe Waldron
NOES: NONE
ABSENT: Janowicz
CONFLICTS: None

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 March 2013.



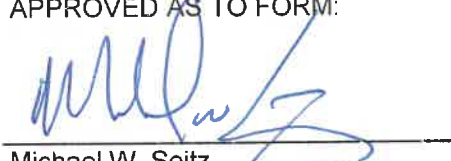
Peter Kelley
President of the Board
AVILA BEACH COMMUNITY
SERVICES DISTRICT

ATTEST:



John Wallace
General Manager
and Secretary to the Board

APPROVED AS TO FORM:



Michael W. Seitz
Deputy District Legal Counsel

**AVILA BEACH COMMUNITY SERVICES DISTRICT
NOTICE OF PUBLIC HEARING REGARDING
PROPOSED SOLID WASTE RATE INCREASE**

Dear Property Owners and Tenants-Customers:

This notice is intended to inform you that the Avila Beach Community Services District Board of Directors ("District") will hold a public hearing regarding solid waste disposal rate increases (the "Proposed Rate Increase") proposed by South County Sanitary Service ("the Garbage Company") for properties and customers receiving solid waste services within the District. The Proposed Rate Increase will be considered by the Avila Beach CSD Board 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 Majority Protest Procedures
- The Basis for the Proposed Rate Increase; and
- The Proposed Rate Increase Amounts

NOTICE OF PUBLIC HEARING

A Public Hearing for the Proposed Solid Waste Rate Increases within the District's boundary will be held on:

Date: March 13, 2013

Time: 7:00 pm

Place: Avila Beach CSD Board Room, 191 San Miguel Street, Avila Beach, CA

At the Public Hearing the Avila Beach Community Services District Board of Directors will consider all public comment in support and in opposition of the Proposed Rate Increase and whether or not a Majority Protest exists pursuant to the California Constitution (below). If approved, the Proposed Rate Increase would become effective April 1, 2013.

MAJORITY PROTEST

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 District's Clerk before the close of the Public Hearing referenced above.

- An owner(s) of property (parcel(s)) receiving solid waste service within the District's boundary. 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 water service; and
- A Tenant(s) whose name appears on the Garbage Company's records as the customer of record for the corresponding parcel receiving solid waste services service within the District's boundary (tenant-customer).

A valid written protest must contain a statement that you protest the increase in solid waste rates, the address and Assessor's Parcel Number (APN) of the parcel or parcels which receive solid waste service and must be signed 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 solid waste 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 Deputy Secretary to 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 Community Services District
Attn: Clerk to the Board
191 San Miguel Street
Avila Beach, CA 93424**

Written protests may also be personally delivered to the clerk to the Board at the Avila Beach Community Service District Office located at 191 San Miguel Street, Avila Beach, California.

If valid written protests are presented by a majority of owners and/or tenants-customers of parcels receiving solid waste service within the District's boundary, then the District will not adjust/increase the solid waste rates. Only one protest per parcel will be counted in determining whether or not a majority protest exists.

REASON FOR THE PROPOSED RATE INCREASES

The Proposed Rate Increases (amounting to an increase of approximately 3.2% for each category of service) are necessary for the Garbage Company to continue to provide safe, environmentally sound and reliable solid waste removal, transportation and disposal services to the citizens of the Avila Beach Community Services District. The increases requested are due to increasing operational costs. Several factors have contributed to these increased costs, including, but not limited to, the rising costs associated with the operation of a garbage company, increased costs associated with operation and fuel for vehicles, ongoing maintenance, increased labor costs, and increased costs associated with meeting more stringent State and Federal regulations.

BASIS FOR THE PROPOSED RATE INCREASE

The Proposed Rate Increases (amounting to an increase of approximately 3.2% for each category of service) is based on the following cost increases incurred by the Garbage Company:

1. 0.8% of the Proposed Rate Increase is based on increased costs for fuel.
2. 2.4% of the Proposed Rate Increase is based on increased costs for vehicles, ongoing maintenance, and labor.

A copy of the 2013 Base Year Rate Adjustment Application, which provides additional information on the proposed rate increase, is available at the District Office, 191 San Miguel Street, Avila Beach, California.

PROPOSED RATE INCREASE AMOUNTS

The following charts provide a summary of the current solid waste rates and proposed rate increases:

**SOUTH COUNTY SANITARY SERVICES,
INC.
EFFECTIVE April 1, 2013**

AVILA BEACH CSD

Service Description	Pickups Per Week	Current Monthly Rate Effective 01/01/12	Proposed Base Year Rate Increase %	Proposed Monthly Rate Effective 04-01-13
RESIDENTIAL:				
32 Gallon Waste Wheeler	1	\$16.40	3.20%	\$16.92
64 Gallon Waste Wheeler	1	\$27.09	3.20%	\$27.96
96 Gallon Waste Wheeler	1	\$37.78	3.20%	\$38.99
Residential customers must use the waste wheelers provided by the garbage company.				
APARTMENTS, TRIPLEX, DUPLEX				
Rates are the same as commercial rates (below).				
COMMERCIAL DUMPSTERS - ALL AREAS:				
1 yd dumpster	1	\$79.64	3.20%	\$82.19
1 yd dumpster	2	\$114.60	3.20%	\$118.27
1 yd dumpster	3	\$151.41	3.20%	\$156.26
1 yd dumpster	4	\$186.36	3.20%	\$192.32
1 yd dumpster	5	\$225.14	3.20%	\$232.34
1 yd dumpster	6	\$262.06	3.20%	\$270.45
1 yd dumpster	7	\$349.38	3.20%	\$360.56
1.5 yd dumpster	1	\$95.11	3.20%	\$98.15
1.5 yd dumpster	2	\$145.50	3.20%	\$150.16
1.5 yd dumpster	3	\$196.11	3.20%	\$202.39
1.5 yd dumpster	4	\$273.67	3.20%	\$282.43
1.5 yd dumpster	5	\$333.83	3.20%	\$344.51
1.5 yd dumpster	6	\$397.90	3.20%	\$410.63
1.5 yd dumpster	7	\$526.08	3.20%	\$542.91
2 yd dumpster	1	\$102.87	3.20%	\$106.16
2 yd dumpster	2	\$168.84	3.20%	\$174.24
2 yd dumpster	3	\$240.60	3.20%	\$248.30
2 yd dumpster	4	\$351.37	3.20%	\$362.61
2 yd dumpster	5	\$431.00	3.20%	\$444.79
2 yd dumpster	6	\$514.39	3.20%	\$530.85
2 yd dumpster	7	\$704.56	3.20%	\$727.11
COMMERCIAL DUMPSTERS - ALL AREAS (Con't):				

3 yd dumpster	1	\$122.26	3.20%	\$126.17
3 yd dumpster	2	\$228.99	3.20%	\$236.32
3 yd dumpster	3	\$320.26	3.20%	\$330.51
3 yd dumpster	4	\$570.59	3.20%	\$588.85
3 yd dumpster	5	\$677.41	3.20%	\$699.09
3 yd dumpster	6	\$791.90	3.20%	\$817.24
3 yd dumpster	7	\$1,090.79	3.20%	\$1,125.70
4 yd dumpster	1	\$176.60	3.20%	\$182.25
4 yd dumpster	2	\$265.99	3.20%	\$274.50
4 yd dumpster	3	\$382.36	3.20%	\$394.60
4 yd dumpster	4	\$599.82	3.20%	\$619.01
4 yd dumpster	5	\$743.36	3.20%	\$767.15
4 yd dumpster	6	\$844.36	3.20%	\$871.38
4 yd dumpster	7	\$1,312.10	3.20%	\$1,354.09
6 yd dumpster	1	\$264.90	3.20%	\$273.38
6 yd dumpster	2	\$398.99	3.20%	\$411.76
6 yd dumpster	3	\$573.54	3.20%	\$591.89
6 yd dumpster	4	\$899.73	3.20%	\$928.52
6 yd dumpster	5	\$1,115.04	3.20%	\$1,150.72
6 yd dumpster	6	\$1,266.56	3.20%	\$1,307.09
6 yd dumpster	7	\$1,968.14	3.20%	\$2,031.12
8 yd dumpster	1	\$353.20	3.20%	\$364.50
8 yd dumpster	2	\$531.98	3.20%	\$549.00
8 yd dumpster	3	\$764.72	3.20%	\$789.19
8 yd dumpster	4	\$1,199.64	3.20%	\$1,238.03
8 yd dumpster	5	\$1,486.72	3.20%	\$1,534.30
8 yd dumpster	6	\$1,688.74	3.20%	\$1,742.78
8 yd dumpster	7	\$2,624.18	3.20%	\$2,708.15

The rates shown above include the monthly container rental fee.

The rates are the same for bins and garwoods, when volume is identical. Bins and garwoods are types of containers used for recycling.

COMMERCIAL GARBAGE CANS - ALL AREAS:

1 Can *	1	\$22.96	3.20%	\$23.69
2 Cans *	1	\$38.43	3.20%	\$39.66
96 Gallon Waste Wheeler Service (Includes rental fee for waste-wheeler)	1	\$47.82	3.20%	\$49.35

* Maximum volume and weight per garbage can : 33 gallons / 80 pounds

MISCELLANEOUS CHARGES - ALL CUSTOMERS:

Overstacked Garbage & extra bags Minimum/unit	each	\$4.38	3.20%	\$4.52
Overstacked Greenwaste & extra bags Minimum/unit	each	\$2.19	3.20%	\$2.26

Overstacked Blue Bin & extra bags Minimum/unit	each	\$2.19	3.20%	\$2.26
In yard service (per can or commodity) IN ADDITION TO STANDARD GARBAGE RATES	per month	\$10.94	3.20%	\$11.29
Monthly charge for additional 96-gallon green waste service	per month	\$3.03	3.20%	\$3.13
Extended Vacation Service	per month	\$10.19	3.20%	\$10.52
Waste wheeler cleaning	each time	\$16.31	3.20%	\$16.83
Trip charge	each time	\$10.94	3.20%	\$11.29
Non-payment downsize service	each time	\$10.94	3.20%	\$11.29
Non-payment redeliver waste wheeler	each time	\$10.94	3.20%	\$11.29
Non-payment reconnect service	each time	\$26.29	3.20%	\$27.13
Small item pickup (TV, toilet)	each	\$25.66	3.20%	\$26.48
Appliance pickup-residential	each	\$36.17	3.20%	\$37.33
Larger than residential appliance or glass, glass doors, or plate glass	by	quote	only	
Garbage extras on your scheduled pickup day	per yard	\$9.23	3.20%	\$9.53
Garbage extras -NOT ON YOUR SCHEDULED PICKUP DAY	per yard	\$25.48	3.20%	\$26.30
Commercial Waste Wheeler rent	per month	\$3.38	3.20%	\$3.49
Re-deliver bin on stopped acct	each time	\$31.38	3.20%	\$32.38
Large Compactors (> 4 yards)	per yard	\$13.71	3.20%	\$14.15
Small Compactors (4 yards & below)	three times the	garbage rate		
Sunday Service (in additional to garbage service level)	per month	\$54.76	3.20%	\$56.51
Recycle bin rental	per month	\$6.09	3.20%	\$6.28
Stand by time	per hour	\$52.58	3.20%	\$54.26
Extra bin cleaning		\$48.93	3.20%	\$50.50
Damage/Destruction of bins or waste wheelers	market	price		
Short Term Dumpsters:				

Delivery & Pickup-Bin		\$31.38	3.20%	\$32.38
Delivery & Pickup-Waste Wheeler		\$10.94	3.20%	\$11.29
Rental	Per Day	\$2.32	3.20%	\$2.39
Empties	Per Yard	\$25.47	3.20%	\$26.29
Mattress:				
Twin	Each	\$11.84	3.20%	\$12.22
Double	Each	\$21.96	3.20%	\$22.66
Queen	Each	\$30.40	3.20%	\$31.37
King	Each	\$35.49	3.20%	\$36.63
Late Fee (8)	Per Month	\$5.00		\$5.00
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.				
Please recycle, its cheaper and it helps the Community achieve its AB939 goal to reduce waste.				
Any additional recycling services are charged out at 50% of the garbage rate.				

FURTHER INFORMATION

If you have questions about the Proposed Rate Increase, please call the offices of South County Sanitary Service, at (805) 489-4246.

CLEANUP WEEKS

APRIL 22-26, 2013

SEPTEMBER 23-27, 2013

