

RESOLUTION No. 2025- 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, on November 12, 2024, the Board of Directors reviewed the rate adjustment application and supporting materials from South County Sanitation Service requesting a rate increase for 2025; and

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

WHEREAS, at the January 14, 2025, public hearing, the Board of Directors considered public comment in support and in opposition to the proposed rate increase and whether 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. Additionally, solid waste rates will increase January 1st of calendar years 2026, 2027, 2028 and 2029 based on Bureau of Labor Statistics Garbage and Trash Consumer Price Index and in accordance with the Annual Solid Waste Rate Methodology in Appendix 1 to the South County Sanitation Service franchise agreement.

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.

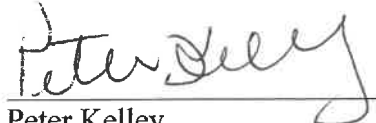
Section 7. Effective Date.

This Resolution shall take effect immediately. The rates and charges adopted by this Resolution shall take effect January 1, 2025.

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

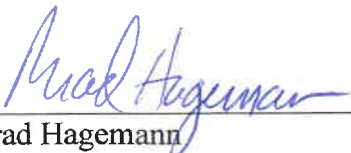
AYES: 4
NOES: 1
ABSENT: 0

The foregoing Resolution is hereby passed, approved, and adopted by the Board of Directors of the Avila Beach Community Services District this 14th day of January 2025.



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:

District Legal Counsel