

RESOLUTION NO. 2019-10
A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE PHELAN PIÑON HILLS COMMUNITY SERVICES DISTRICT
DETERMINING THAT THERE WAS NO MAJORITY PROTEST TO
PROPOSED INCREASES TO REFUSE COLLECTION SERVICES CHARGES
AND ADOPTING A RATE SCHEDULE FOR SUCH CHARGES
AND SUPERCEDING EXISTING APPLICABLE RATES

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 "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, the Franchise Agreement established a rate schedule for the refuse collection service charges for the Solid Waste Services, subject to potential annual adjustment in an amount equal to one hundred percent (100%) multiplied by the average of the month to month change for a 12 month period change in the Consumer Price Index ("CPI") from the first index dates of April to March of the following year.

WHEREAS, the Franchise Agreement established a Solid Waste Facility Fee Adjustment whereby solid waste facility fees shall be a pass-through of one hundred percent (100%) of any increase or decrease in the fee charged to the CR&R for the use of a Solid Waste Facility approved for use.

WHEREAS, CR&R submitted to the District a written request on April 26, 2019, for a rate adjustment incorporating CPI and a Solid Waste Facility Fee 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 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 written protests against the rates and charges set forth herein that were received by the District prior to the close of the public hearing hereon represented less than a majority of the parcels subject to the rates and charges set forth below and, thus, the District's Board of Directors further finds 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, 2019, 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 19, 2019, by the following vote:

AYES: Brandon, Hoffman, Johnson, Roberts, Philips

NOES:

ABSENT:

ABSTAIN:



President, Board of Directors

Attest:



Secretary, Board of Directors

Exhibit A

FEE DESCRIPTION	PROPOSED RATES EFFECTIVE JULY 1, 2019
RESIDENTIAL BARREL SERVICE	
Carts – (64 Gallons) 2 Trash	\$28.65 per month
Carts – (64 Gallons) 1 Trash 1 Recycle	\$28.65 per month
Additional Carts (64 Gallons)	\$6.48 per month
Pull Out Service	\$38.36 per month
RESIDENTIAL BIN SERVICE	
Refuse – 1.5 CY	\$68.28 per month
Refuse – 2 CY	\$89.20 per month
Refuse – 2 CY 2 times per week	\$165.70 per month
Refuse – 3 CY	\$133.82 per month
Refuse – 3 CY 2 times per week	\$248.61 per month
Refuse – 4 CY	\$178.37 per month
Refuse – 4 CY 2 times per week	\$331.33 per month
Recycling – 2 CY	\$81.35 per month
Recycling – 3 CY	\$121.99 per month
Recycling – 4 CY	\$160.27 per month
MULTI-FAMILY BIN SERVICE	
Refuse – 1.5 CY	\$68.28 per month
Refuse – 2 CY	\$89.20 per month
Refuse – 2 CY 2x/week	\$165.70 per month
Refuse – 3 CY	\$133.82 per month
Refuse – 3 CY 2x/week	\$248.61 per month
Refuse – 4 CY	\$178.37 per month
Refuse – 4 CY 2x/week	\$331.33 per month
Recycling – 2 CY	\$81.35 per month
Recycling – 3 CY	\$121.99 per month
Recycling – 4 CY	\$160.27 per month
COMMERCIAL BARREL SERVICE	
Carts – (64 Gallons) Trash - 1 Cart	\$41.71 per month
Carts – (64 Gallons) Recycle - 1 cart	\$20.14 per month
COMMERCIAL BIN SERVICE	
Refuse – 2 CY 1x/week	\$116.15 per month
Refuse – 2 CY 2x/week	\$220.04 per month
Refuse – 2 CY 3x/week	\$323.97 per month
Refuse – 2 CY 4x/week	\$427.88 per month
Refuse – 2 CY 5x/week	\$531.80 per month
Refuse – 2 CY 6x/week	\$635.72 per month
Refuse – 3 CY 1x/week	\$180.21 per month
Refuse – 3 CY 2x/week	\$323.14 per month
Refuse – 3 CY 3x/week	\$472.02 per month
Refuse – 3 CY 4x/week	\$620.89 per month
Refuse – 3 CY 5x/week	\$769.81 per month
Refuse – 3 CY 6x/week	\$918.62 per month
Refuse – 4 CY 1x/week	\$231.00 per month
Refuse – 4 CY 2x/week	\$428.29 per month
Refuse – 4 CY 3x/week	\$625.55 per month
Refuse – 4 CY 4x/week	\$822.81 per month
Refuse – 4 CY 5x/week	\$1020.05 per month
Refuse – 4 CY 6x/week	\$1217.37 per month
Recycling – 2 CY 1x/week	\$78.14 per month
Recycling – 3 CY 1x/week	\$153.96 per month
Recycling – 4 CY 1x/week	\$205.28 per month
3 CY Clean-up Bin	\$133.62 per occurrence
6 CY Clean-up Bin	\$267.22 per occurrence
ROLL OFF SERVICE	
Refuse – 10 CY Box (up to 6 tons)	\$666.66 per occurrence
Refuse – 20 CY Box (up to 4 tons)	\$546.79 per occurrence
Refuse – 40 CY Box (up to 6 tons)	\$666.66 per occurrence
ADDITIONAL COMMERCIAL FEES	
Account Set Up Fee - New Customer	\$25.00 per occurrence
Delivery Fee - Cart	\$25.00 per occurrence
Removal Fee - Cart	\$25.00 per occurrence
Delivery Fee - 2YD, 3YD, 4YD Bin	\$25.00 per occurrence
Overage Fee	\$50.00 per occurrence
Delinquent Account Removal Fee	\$55.00 per occurrence
Delinquent Account Re-Instatement fee	\$55.00 per occurrence
Extra Pick-up 2yd Refuse	\$26.45 per occurrence
Extra Pick-up 3yd Refuse	\$41.04 per occurrence
Extra Pick-up 4yd Refuse	\$52.60 per occurrence
Extra Pick-up Off Route Service Fee * added on route charge	\$50.00 per occurrence
Contamination of Recycle Bin	\$70.00 per occurrence
Additional P/U on Existing Recycling Bin	\$65.00 per occurrence

Exhibit A

FEE DESCRIPTION	PROPOSED RATES EFFECTIVE JULY 1, 2019
Bin Relocation Fee	\$50.00 per occurrence
Bin Rollout Fee	\$0 per occurrence
Bin Exchange - Once per year	\$0 per occurrence
Bin Exchange - More than once per year	\$75.00 per occurrence
Convert bin to locking lid	\$45.00 per occurrence
Replacement Bin Lock or Key	\$15.00 per occurrence
Enclosure Clean Out Fee	Varies - Based on Estimate
Replacement of Stolen or Burned Bin	\$550.00 per occurrence
Bulky Item Pickup, per item	\$25.00 per occurrence
Scout Service	\$45.00 per occurrence
Courtesy Pickup	\$0 per occurrence
Stinger - Pull Out Service, per bin	\$45.00 per occurrence
Roll Off Service Extra Charge per ton	\$59.94 per occurrence
Roll Off Service Steam Cleaning	\$37.18 per occurrence
Roll Off Service After 10 Days	\$11.51 per day
Roll Off Service - Pull Empty Bin	\$85.00 per occurrence
Roll-Off - New Account Set Up Fee	\$55.00 per occurrence
Roll Off - Compactor Haul Fee + Processing/Disposal	\$350.00 per occurrence
Roll Off - Container Delivery Fee	\$75.00 per occurrence
Roll Off - Container Removal Fee	\$75.00 per occurrence
Roll Off - False Run Fee	\$85.00 per occurrence
Roll Off - Relocation Box Fee	\$65.00 per occurrence
Roll Off - Delinquent Account Removal Fee	\$75.00 per occurrence
Roll Off - Del. Account Re-Instatement Fee	\$75.00 per occurrence
Permanent Roll Off – 10 CY Box	\$307.02 monthly rental
Permanent Roll Off – 20 CY Box	\$307.02 monthly rental
Permanent Roll Off – 40 CY Box	\$307.02 monthly rental
Clean-up Bin Trip Charge - 3YD/6YD	\$59.19 per occurrence
ADDITIONAL RESIDENTIAL FEES	
Senior Discount 60gal Set	\$26.65 per month
Senior Discount 1.5CY Bin	\$62.18 per month
Senior Discount 2CY Bin	\$82.95 per month
Additional Pick-up 1.5CY Bin	\$15.05 per occurrence
Additional Pick-up 2CY Bin	\$19.77 per occurrence
Additional Pick-up 3CY Bin	\$30.09 per occurrence
Additional Pick-up 4CY Bin	\$40.12 per occurrence
Additional Pick-up Cart	\$6.20 per occurrence
Extra Pick-up Off Route Service Fee	\$50.00 per occurrence
Bin Exchange - Change in Service	\$25.00 per occurrence
New Account Set Up Fee	\$25.00 per occurrence
New Account Delivery Fee	\$25.00 per occurrence
Delivery Fee 1.5 yard/2 yard/3 yard/4 yard	\$25.00 per occurrence
Walk-In Service	\$9.29 per month
Special Event Box Delivery	\$0 per occurrence
Special Event Trash Box w/ Lid and Liner	\$3.00 each
Special Event Recycle Box w/ Lid and Liner	\$3.00 each
Cart Re-delivery New Customer	\$25.00 per occurrence
Cart Delivery - Lost Cart	\$50.00 per occurrence
Cart Re-instatement - Delinquent Account	\$35.00 per occurrence
Contamination of Recycle Cart	\$25.00 per occurrence
CFC Removal	\$45.00 per occurrence
Mail-In Sharps Kit	\$103.00 per occurrence
Additional Cart Delivery	\$15.00 per occurrence
Burned /Damaged Cart Replacement Fee	\$50.00 per occurrence
Cart Replacement (more than 1 per year)	\$15.00 per occurrence
Cart Removal - Delinquent Account	\$35.00 per occurrence
Unable to Pull Cart for Nonpayment	\$25.00 per occurrence
Pull Carts - Stop Service	\$25.00 per occurrence
Pull Additional Cart	\$15.00 per occurrence
Pull Recycling Cart	\$15.00 per occurrence
Convert to Locking Bin	\$45.00 per occurrence
Bin Re-Delivery Fee - Due to Nonpayment	\$25.00 per occurrence
Steam Cleaning	\$35.00 per occurrence
Bulky Item Pickup - 2x per year, 4 items	\$0 per occurrence
Additional Bulky Item Pickup, per item	\$20.00 per item
Additional Trash Bags - Per 32gal Bag	\$1.25 per bag
Non-Customer Special - 3 Carts or 6 Bags	\$35.00 per occurrence
Christmas Tree Collection - Dec 26 - Jan 15	\$ 0.00