

**RESOLUTION NO. 2017-2**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
WRIGHTWOOD COMMUNITY SERVICES DISTRICT  
AUTHORIZING THE ESTABLISHMENT AND COLLECTION OF  
SOLID WASTE MANAGEMENT DISPOSAL FACILITY FEES  
ON CERTAIN REAL PROPERTIES IN LOS ANGELES COUNTY  
FOR 2017-18**

**WHEREAS**, the Wrightwood Community Services District ("the District") is a Community Services District organized and operating pursuant to Government Code 61000 et seq.

**WHEREAS**, the District was formed by the Local Agency Formation Commission of the County of San Bernardino ("LAFCO") pursuant to LAFCO Proposal No. 3202, the approval of which includes the adoption of LAFCO Resolution No. 3227 ("Resolution No. 3227") following a public hearing held on July 20, 2016, notice of which was published in a newspaper of general circulation and mailed to registered voters within the area of reorganization reflected in the documents attached hereto as Exhibits "A" and "A-1" and incorporated herein by this reference.

**WHEREAS**, on or about September 1, 2016, LAFCO issued a further notice to all property owners within the boundaries of the District that a public protest hearing on the proposed reorganization would be conducted by LAFCO on September 22, 2016. Said notice expressly stated that "[t]he reorganization proposal includes the assignment of the existing Solid Waste Land Use Services special tax to all parcels within the boundaries of the District for funding the 'dump card' for use at the County of San Bernardino transfer station of landfill. This special tax is currently assessed at \$85.14 without allowance for an annual increase."

**WHEREAS**, on or about September 22, 2016, LAFCO conducted a duly-noticed public protest hearing on LAFCO Proposal No. 3202 and determined in Section 1 of LAFCO Resolution No. 3235 ("Resolution No. 3235") adopted on September 22, 2016, that "the value of written protest filed and not withdrawn by registered voters at the conclusion of the protest hearing represents 1.74% of the registered voters as verified against the record of voter registrations on file totaling 2,535, below the threshold to require termination of the proposal. The value of written protest filed and not withdrawn by landowners at the conclusion of the protest hearing represents 0.94% of the landowners, representing 1.22% of land value (\$159,878,327), as verified against the current assessment roll."

**WHEREAS**, pursuant to Resolution No. 3235, an election was held within the District boundaries on March 7, 2017, to determine whether Resolution No. 3227 "ordering the reorganization to include formation of the ... District and Dissolution of [CSA] 56, known as LAFCO [Proposal No.] 3202, [should] be approved subject to the terms and conditions as more particularly described in the order?"

**WHEREAS**, following an election held on March 7, 2017, which reflected voter approval of the formation of the District, the results of which were certified by the San Bernardino County Registrar of Voters and the Los Angeles County Registrar-Recorder/County Clerk, LAFCO completed its approval of LAFCO Proposal No. 3202 pursuant to its adoption of LAFCO Resolution No. 3245 ("Resolution No. 3245") on May 25, 2017.

**WHEREAS**, Condition No. 6 of Resolution No. 3227, Resolution No. 3235, and Resolution No. 3245 authorizes the District to collect, transfer, and dispose of solid waste and provide solid waste handling service, including, but not limited to, source reduction, recycling, composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code, within the boundaries of the District.

**WHEREAS**, Resolution No. 3227, Resolution No. 3235, and Resolution No. 3245 determined that the District is the successor agency to County Service Area 56 ("CSA 56") effective July 1, 2017, and Condition No. 9 thereof expressly states that "[a]ll previously authorized charges, fees, assessments, and/or taxes of [CSA] 56 in effect upon the effective date of this reorganization shall be continued and assumed by the [District], as the successor agency, in the same manner as provided in the original authorization pursuant to the provisions of Government Code Section 56886(t)."

**WHEREAS**, Government Code Section 56886(t) provides that Resolution No. 3227, Resolution No. 3235, and Resolution No. 3245 contain the exclusive terms and conditions for the change of organization from CSA 56 to the District as it relates to the "extension or continuation of any previously authorized charge, fee, assessment, or tax by [the District as the] successor local agency in the affected territory."

**WHEREAS**, prior to the adoption of Resolution No. 3227, Resolution No. 3235, and Resolution No. 3245, the territory within CSA 56 was subject to a Solid Waste Management Disposal Facility Fee that had been fixed, levied, and imposed upon such lands by the County of San Bernardino ("the County") pursuant to the California Integrated Waste Management Act of 1989 (Division 30 of the California Public Resources Code) ("the Act") in order to discourage illegal dumping and to offset the cost of disposal of waste from the Wrightwood community ("the Fee").

**WHEREAS**, the approval of LAFCO Proposal No. 3202 included authorizing the District to impose the Fee on parcels of land within the District's boundaries to fund the "dump card" for use at the County of San Bernardino transfer station or landfill.

**WHEREAS**, pursuant to the legal authority set forth above, the District is authorized to fix before August 10 of any given year the Fee on residential parcels within its jurisdiction entitling the owners of such parcels to utilize refuse disposal sites without the payment of any pay-at-the gate fee for ordinary refuse generated on such residential property.

**WHEREAS**, pursuant to the legal authority set forth above, the District's Board of Directors ("the Board") may establish the Fee on properties located in the County of Los Angeles within the District's jurisdictional boundaries according to Los Angeles County Assessor's Land Use Codes, and the benefit derived or to be derived from the use of solid waste facilities or services for ordinary refuse (excluding demolition waste, tires, and hard to handle and special handling items) generated on the parcel of property for which the Fee is paid.

**WHEREAS**, the Board wishes to establish, fix, and levy on certain real properties in the portions of the District's boundaries located within Los Angeles County the Fee that has been collected by the County of San Bernardino from properties previously located within CSA56.

**WHEREAS**, no change in the amount of the Fee, or the methodology used to calculate the Fee, already being levied within the District for 2017-2018 by the County of San Bernardino will be levied on real properties in the portions of the District's boundaries located within Los Angeles County pursuant to this Resolution.

**WHEREAS**, beginning on or about July 20, 2017, the District published a Notice of Public Hearing concerning the Board's intent to adopt the Fee for 2017-2018 in a newspaper of general circulation within the District once a week for two successive weeks pursuant to the Act and Government Code Section 6066.

**WHEREAS**, on August 3, 2017, at 7:00 p.m., at the Wrightwood Museum located at 6000 Cedar Street, Wrightwood, California, and on August 7, 2017, at 7:00 p.m., at the Wrightwood Community Building located at 1275 State Highway 2, Wrightwood, California, the Board held public hearings to hear and consider any and all objections regarding the imposition of the Fee, which hearing was duly conducted in the manner set forth in the Act.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Wrightwood Community Services District as follows:

1. The public interest and necessity requires the Board to adopt this Resolution hereby fixing, levying, imposing, and collecting a Solid Waste Management Disposal Facility Fee on properties located in the County of Los Angeles within the District's jurisdictional boundaries in accordance with, and in the amounts set forth in, Exhibit "B" attached hereto and incorporated herein by this reference (subject to the appropriate Land Use Codes of the Los Angeles County Assessor), pursuant to applicable law, including but not limited to the pertinent provisions of the Act, Government Code Section 56886(t), Resolution No. 3227, Resolution No. 3235, and Resolution No. 3245.

2. The Solid Waste Management Disposal Facility Fees hereby levied by the Board are in the same amount, and are based upon the same methodology, used by the County of San Bernardino on properties located in the County of San Bernardino within the District's jurisdictional boundaries, the rights to which have been transferred to the District in accordance with Resolution No. 3227, Resolution No. 3235, and Resolution No. 3245 granting the District the active power and authority for refuse collection as the successor agency to CSA 56.

3. The Solid Waste Management Disposal Facility Fees hereby adopted meet the definition of the exception of a tax as defined in Proposition 26 passed November 3, 2010, and amending Article XIII C of the California Constitution. The exceptions met by this fee are: (a) a charge imposed for the specific benefit conferred or privilege granted directly to the payer that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege; (b) a charge imposed for a specific government service or product provided directly to the payer that is not provided to those not charged and which does not exceed the reasonable costs to the local government of providing the service or product; and/or (c) a charge imposed for the entrance to our use of local government property, or the purchase, rental, or lease of local government property. The District has examined the impact of Proposition 26 on fees for solid waste disposal services and has concluded the three exceptions discussed above are applicable and do not violate Proposition 26.

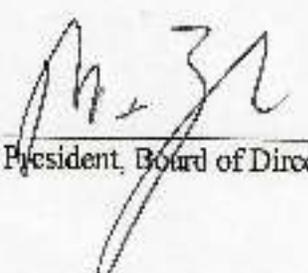
4. The Board hereby authorizes the District's General Manager to take any and all actions necessary to carry out the intent of the Board as set forth herein, and to cause the Solid Waste Management Disposal Facility Fees fixed and established herein to be collected at the same time, and in the same manner, as the levying of special assessments on the 2017-2018 Los Angeles County Tax Roll, and/or to be otherwise collected in accordance with all legally-permissible methods available under applicable law.

5. If any Solid Waste Management Disposal Facility Fee hereby adopted becomes delinquent, the amount of the delinquency, together with any interest and penalties thereon, shall constitute a lien on the affected property to the fullest extent legally allowable under applicable law.

**ADOPTED AND APPROVED** this 7<sup>th</sup> day of August, 2017, by the following vote:

AYES: 5  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

By:

  
\_\_\_\_\_  
President, Board of Directors

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Directors

## LAFCO 3202

**Reorganization to Include Formation of the Wrightwood Community Service  
District and Dissolution of County Service Area 56**

Those portions of the County of San Bernardino and the County of Los Angeles, State of California, lying within Sections 3, 4, 6 through 10, 15 through 23, Township 3 North, Range 7 West, San Bernardino Meridian, and Sections 1, 12, 13, Township 3 North, Range 8 West, San Bernardino Meridian, described as follows:

**Beginning at** the northwest corner of Section 8, Township 3 North, Range 7 West, San Bernardino Meridian (S.B.M.), being in the unincorporated territory of the County of San Bernardino;

1. Thence easterly along the north line of said Section 8 a distance of 5376.32 feet, more or less, to the Southwest corner of Section 4, Township 3 North, Range 7 West, S.B.M.;
2. Thence northerly along the west line of said Section 4 a distance of 5309.49 feet, more or less, to the northwest corner of said Section 4;
3. Thence easterly along the north line of said Section 4 a distance of 5490.29 feet, more or less, to the northwest corner of Section 3, Township 3 North, Range 7 West, S.B.M.;
4. Thence easterly along the north line of said Section 3 a distance of 5627.22 feet, more or less, to the northeast corner of said Section 3;
5. Thence southerly along the east line of said Section 3 a distance of 5187.13 feet, more or less, to the northeast corner of Section 10, Township 3 North, Range 7 West, S.B.M.;
6. Thence southerly along the east line of said Section 10 a distance of 5382.89 feet, more or less, to the northeast corner of Section 15, Township 3 North, Range 7 West, S.B.M.;
7. Thence southerly along the east line of said Section 15 a distance of 5252.71 feet, more or less, to the northwest corner of Section 23, Township 3 North, Range 7 West, S.B.M.;
8. Thence easterly along the north line of said Section 23 a distance of 5170.98 feet, more or less, to the northeast corner of said Section 23;
9. Thence southerly along the east line of said Section 23 a distance of 5126.58 feet, more or less, to the southeast corner of said Section 23;
10. Thence westerly along the south line of said Section 23 a distance of 5238.91 feet, more or less, to the southeast corner of Section 22, Township 3 North, Range 7 West, S.B.M.;
11. Thence westerly along the south line of said Section 22 a distance of 2476.82 feet, more or less, to the south quarter corner of said Section 22;

12. Thence continuing westerly along the south line of said Section 22 a distance of 2778.79 feet, more or less, to the southeast corner of Section 21, Township 3 North, Range 7 West, S.B.M.;
13. Thence westerly along the south line of said Section 21 a distance of 5374.58 feet, more or less, to the southeast corner of Section 20, Township 3 North, Range 7 West, S.B.M.;
14. Thence westerly along the south line of said Section 20 a distance of 5276.70 feet, more or less, to the southeast corner of section 19, Township 3 North, Range 7 West, S.B.M.;
15. Thence westerly along the south line of said Section 19 a distance of 2153.78 feet, more or less, to the San Bernardino County/Los Angeles County boundary line;
16. Thence North  $04^{\circ}05'35''$  West along said boundary line a distance of 4952.51 feet, more or less, to the north line of said Section 19;
17. Thence, leaving said boundary line, North  $79^{\circ}29'00''$  West along the north line of said Section 19 a distance 2973.21 feet, more or less to the northwest corner of said Section 19;
18. Thence southerly along the west line of said Section 19 a distance of 584.68 feet, more or less, to the southeast corner of Section 13, Township 3 North, Range 8 West, S.B.M.;
19. Thence westerly along the south line of said Section 13 a distance of 4752.09 feet, more or less, to the southwest corner of said Section 13;
20. Thence northerly along the west line of said Section 13 a distance of 2574.20 feet, more or less, to the west quarter corner of said Section 13;
21. Thence continuing northerly along the west line of said Section 13 a distance of 2701.34 feet, more or less, to the southwest corner of Section 12, Township 3 North, Range 8 West, S.B.M.;
22. Thence northerly along the west line of said Section 12 a distance of 2807.83 feet, more or less, to the west quarter corner of said Section 12;
23. Thence easterly along the north line of the south half of said Section 12 a distance of 1296.24 feet, more or less, to the west line of the east half of the northwest quarter of said Section 12;
24. Thence northerly along said west line a distance of 2788.12 feet, more or less, to the south line of Section 1, Township 3 North, Range 8 West, S.B.M.;
25. Thence northerly along the west line of the east half of the southwest quarter of said Section 1 a distance of 1309.62 feet, more or less, to the south line of the north half of the south half of said Section 1;
26. Thence easterly along said south line a distance of 1929.94 feet, more or less, to the east line of the west half of the northwest quarter of the southeast quarter of said Section 1;

27. Thence northerly along said east line a distance of 1317.91 feet, more or less, to the north line of the south half of said Section 1;
28. Thence easterly along said north line a distance of 1935.44 feet, more or less, to the west line of Section 6, Township 3 North, Range 7 West, S.B.M.;
29. Thence northerly along the west line of said Section 6 a distance of 532.99 feet;
30. Thence South  $85^{\circ}16'11''$  East a distance of 1485.47 feet;
31. Thence South  $02^{\circ}29'05''$  West a distance of 1477.89 feet;
32. Thence South  $78^{\circ}56'40''$  East a distance of 456.19 feet, more or less, to the San Bernardino County/Los Angeles County boundary line;
33. Thence North  $03^{\circ}21'01''$  West along said boundary line a distance of 62.61 feet, more or less, to the south line of the north half of the south half of said Section 6;
34. Thence leaving said boundary line, South  $80^{\circ}14'54''$  East along said south line a distance of 806.72 feet, more or less, to the east line of the west half of said Section 6;
35. Thence South  $88^{\circ}09'41''$  East along said south line a distance of 1324.68 feet, more or less, to the west line of the east half of the east half of said Section 6;
36. Thence South  $03^{\circ}12'03''$  West along said west line a distance of 1548.64 feet, more or less, to the south line of said Section 6;
37. Thence easterly along the south line of said Section 6 a distance of 1311.40 feet, more or less, to the **Point of Beginning**.

Containing 10,738.51 acres, more or less.

This legal description was prepared by me or under my direction.



06/24/2016

James I. Stone

Date

Deputy County Surveyor

PLS 9075, Expiration: March 31, 2018





Exhibit B

<u>USE CODE</u>	<u>DESCRIPTION</u>	<u>FEES</u>
0510	Single Family Residence (suitable for permanent use)	\$ 85.14
0511	Recreation Cabin (unsuitable for permanent use)	\$ 42.57
0520	Mobile home on fee land, not in a subdivision	\$ 85.14
0525	Mobile home on fee land, in a subdivision	\$ 85.14
0526	Mobile home on a permanent foundation	\$ 85.14
0533	Time share	\$ 85.14
0534	Attached single-family residence (common wall)	\$ 85.14
0535	Zero lot line single-family residence	\$ 85.14
0599	Miscellaneous residential structure	\$ 85.14
0600	Two single-family residences	\$ 170.28
0601	Three single-family residences	\$ 255.42
0602	Four single-family residences	\$ 340.56
0603	Duplex	\$ 170.28
0604	Triplex	\$ 255.42
0605	Quad	\$ 340.56
0610	Multi single-family residence (5 to 14 units)	\$ 425.70
9999	No services provided	\$ 0.00