

RESOLUTION NO. 2018-09

**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 2018-19**

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 or 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No. 3235 (“Resolution No. 3235”) adopted on September 22, 2016, that “the value of written protest filed and not withdrawn by registered voters at the conclusion of the protest hearing represents 1.74% of the registered voters as verified against the record of voter registrations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 The value of written protest filed and not withdrawn by landowners at the conclusion of the protest hearing represents 0.94% of the landowners, representing 1.22% of land value (\$159,878,327), as verified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 Refuse Disposal Land Use Fee that had been fixed, levied, and imposed upon such lands by the County of San Bernardino 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.

WHEREAS, the approval of LAFCO Proposal No. 3202 included authorizing the District to impose a Solid Waste Management Disposal Facility Fee (“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”) adopted Resolution No. 2017-2 on or about August 7, 2017, establishing the Fee for 2017-2108 on properties located in the County of Los Angeles within the District’s jurisdictional boundaries in the same amount that had been collected by the County of San Bernardino from properties previously located within CSA 56.

WHEREAS, the Board wishes to continue to levy the Fee upon all lands within the jurisdictional boundaries of the District.

WHEREAS, no change in the amount of the Fee, or the methodology used to calculate the Fee, already being levied by the District for 2017-2018 will be assessed in 2018-2109 pursuant to this

Resolution.

WHEREAS, beginning on or about July 12, 2018, the District published a Notice of Public Hearing concerning the Board's intent to adopt the Fee for 2018-2019 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 July 31, 2018, at 7:00 p.m., at the Wrightwood Museum (Old Fire House) located at 6000 Cedar Street, Wrightwood, California, the Board held a public hearing 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 District for 2017-2018 and previously 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.

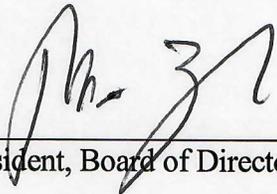
3. The Solid Waste Management Disposal Facility Fees hereby levied meet the definition of the exception of a tax as defined in Proposition 26 passed November 3, 2010, and amending Article XIII C of the California Constitution. The exceptions met by this fee are: (a) a charge imposed for the specific 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 levied herein to be collected at the same time, and in the same manner, as the levying of special assessments on the 2018-2019 Los Angeles County Tax Roll, and/or to be otherwise collected in accordance with all legally-permissible methods available under applicable law.

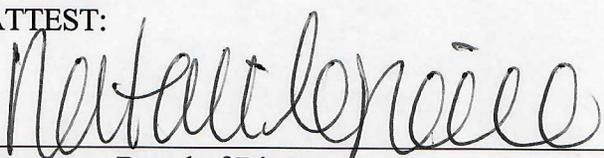
5. If any Solid Waste Management Disposal Facility Fee hereby levied becomes delinquent, the amount of the delinquency, together with any interest and penalties thereon, shall constitute a lien on the affected property to the fullest extent legally allowable under applicable law.

ADOPTED AND APPROVED this 31st day of July, 2018, by the following vote:

AYES: 3
NOES: _____
ABSENT: 2
ABSTAIN: _____

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°16'11" East a distance of 1485.47 feet;
- 31. Thence South 02°29'05" West a distance of 1477.89 feet;
- 32. Thence South 78°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°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°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°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°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



06/24/2016
 Date
 James I. Stone
 Deputy County Surveyor
 PLS-9875
 Exp. 03/31/2018
 Job Number 60114170 - Revised June 23, 2016

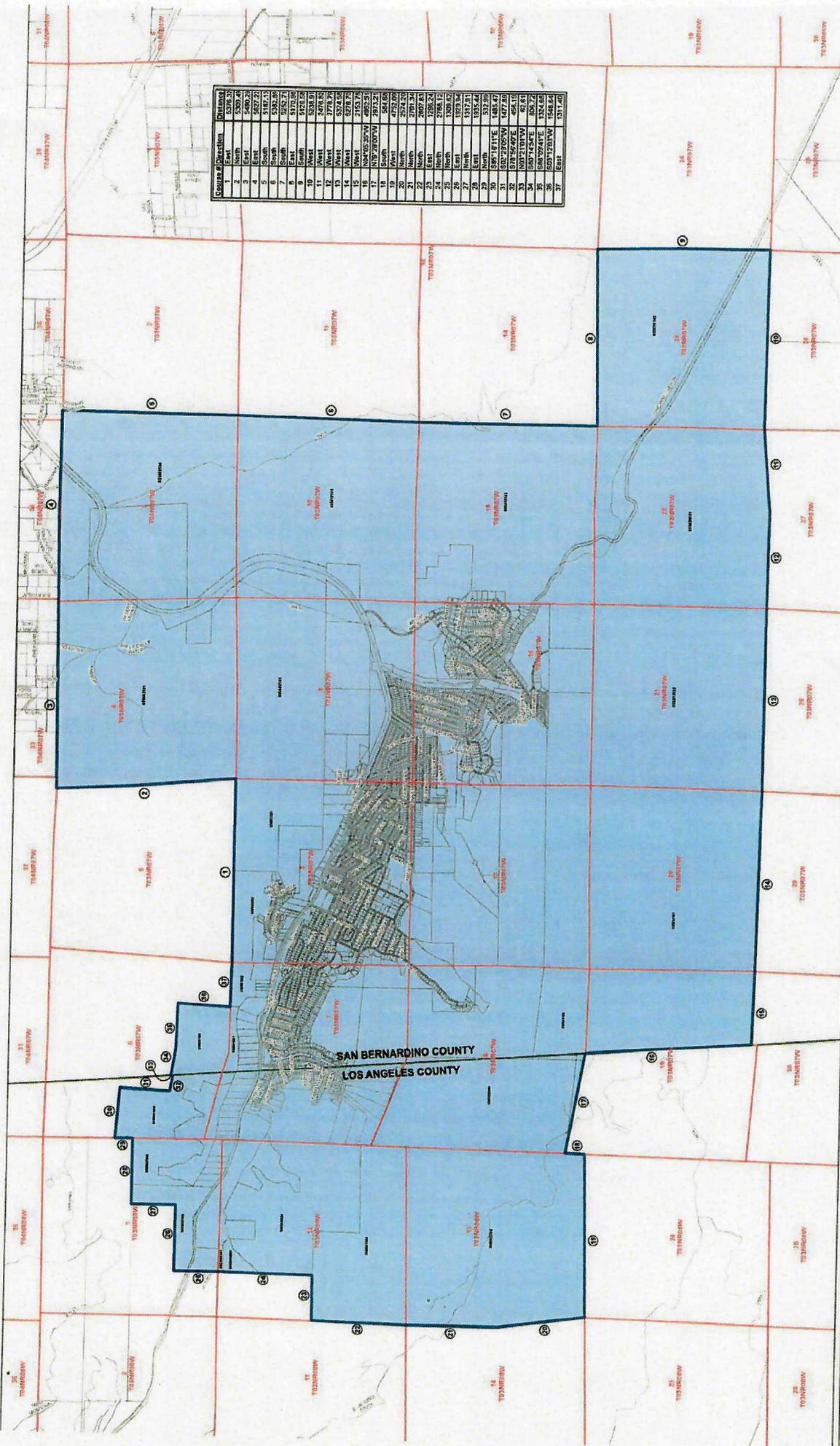


THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION

LAFCO 3202
 Reorganization to Include Formation of the Wrightwood Community Service District and Dissolution of County Service Area 56
 Three Portions of Township 3 North, Ranges 7 and 8 West, 33rd S.M. San Bernardino County, State of California

1 inch = 1,200 feet
 0 1,200 2,400 4,800 7,200 9,600 Feet

FOR QUESTIONS REGARDING THIS MAP OR TO OBTAIN A COPY OF THIS MAP IN ELECTRONIC FORM, PLEASE CONTACT LAFCO FOR SAN BERNARDINO COUNTY



County #	Direction	Distance
1	East	5309.24
2	North	5309.24
3	East	5400.27
4	East	5052.22
5	East	5309.24
6	South	5309.24
7	South	5252.71
8	East	5170.86
9	East	5152.86
10	South	5152.86
11	North	3778.78
12	North	3778.78
13	North	5374.58
14	North	5278.78
15	North	5478.78
16	North	5478.78
17	North	2973.21
18	North	4852.51
19	North	544.08
20	North	544.08
21	North	2793.34
22	North	2007.83
23	East	1258.24
24	East	1258.24
25	North	1308.42
26	East	1378.84
27	North	1378.84
28	East	1358.44
29	East	1358.44
30	East	448.47
31	East	448.47
32	East	456.15
33	East	456.15
34	East	456.15
35	East	524.69
36	East	524.69
37	East	1311.40

Site Location



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