

**RESOLUTION NO. 2019-05**

**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 2019-20**

**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 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Resolution No. 3235 (“Resolution 3235”) adopted on September 22, 2016, that “the value of written protest filed and not withdrawn by registered voters at the conclusion of the protest hearing represents 1.74% of the registered voters as verified against the record of voter registrations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 The value of written protest filed and not withdrawn by landowners at the conclusion of the protest hearing represents 0.94% of the landowners, representing 1.22% of land value (\$159,878,327), as verified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 3235, an election was held within the District boundaries on March 7, 2017, to determine whether Resolution 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 3245”) on May 25, 2017.

**WHEREAS**, Condition No. 6 of Resolution 3227, Resolution 3235, and Resolution 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 3227, Resolution 3235, and Resolution 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 3227, Resolution 3235, and Resolution 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 3227, Resolution 3235, and Resolution 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 readopted the Fee for 2018-2019 and wishes to continue to levy the Fee for 2019-2020 upon all lands within the jurisdictional boundaries of the District.

**WHEREAS**, no change to the amount of the Fee, or the methodology used to calculate the Fee, levied by the District since 2017-2018 will be assessed in 2019-2020 pursuant to this Resolution.

**WHEREAS**, beginning on or about April 23, 2019, the District published a Notice of Public Hearing concerning the Board's intent to adopt the Fee for 2019-2020 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 May 7, 2019, at 6:30 p.m., at the Wrightwood Community Building located at 1275 State Highway 2, 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 3227, Resolution 3235, and Resolution 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 since 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 3227, Resolution 3235, and Resolution 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.

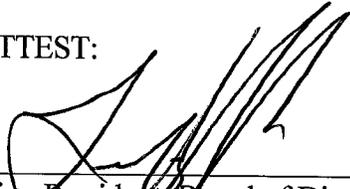
4. The Board hereby authorizes the District's General Manager to take any and all actions necessary to carry out the intent of the Board as set forth herein, and to cause the Solid Waste Management Disposal Facility Fees levied herein to be collected at the same time, and in the same manner, as the levying of special assessments on the 2019-2020 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 7<sup>th</sup> day of May 2019, by the following vote:

AYES:	<u>4</u>
NOES:	<u>0</u>
ABSENT:	<u>1</u>
ABSTAIN:	<u>0</u>

By:   
President, Board of Directors

ATTEST:  
  
Vice President, Board of Directors