

RESOLUTION NO. 20/21-24

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY COMMUNITY SERVICES DISTRICT SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON NEW RATES FOR SOLID WASTE SERVICE AND AUTHORIZING STAFF TO NOTICE PROPERTY OWNERS

The Board of Directors of the Bear Valley Community Services District resolves as follows:

Section 1. Findings. The Board of Directors finds as follows:

A. Article XIID of the California Constitution and the Proposition 218 Omnibus Implementation Act (Government Code section 53750 and following) (collectively, "**Proposition 218**"), set forth certain procedures that the District must follow with respect to adopting increases in "property related fees and charges" such as solid waste service rates and charges.

B. The District has prepared a solid waste rate study ("**Solid Waste Rate Study**") to review the District's solid waste rate structure and to make recommendations as to a revised rate structure that would provide revenues sufficient to: (1) fund the ongoing operations and maintenance of the District's solid waste transfer station ("**Solid Waste Facility**"), (2) provide adequate reserves for unforeseen extraordinary maintenance and repairs, and (3) provide for routine capital expenditures.

C. The draft Solid Waste Rate Study recommends a revised solid waste rate schedule for calendar years 2021 through 2025.

D. The Board has determined that the solid waste rates ("**Solid Waste Rates**") proposed for the District's solid waste operating fund ("**Solid Waste Operating Fund**"), as set forth in the Solid Waste Rate Study are necessary in order to, among other things, maintain and operate the District's Solid Waste Facility, provide reserves for unforeseen extraordinary maintenance and repairs, and provide for routine capital expenditures.

E. Prior to adopting the proposed Solid Waste Rates, and in accordance with Proposition 218, the Board desires to provide notice of a public hearing ("**Public Hearing**") to consider the proposed Solid Waste Rates, which will be mailed to all record owners of affected property at least 45 days prior to such Public Hearing, describing (a) the amount of the fee or charge to be imposed upon each affected parcel, (b) the basis upon which the amount of the proposed fee or charge was calculated, (c) the reason for the fee or charge, and (d) the date, time, and location of the Public Hearing on the proposed fee or charge ("**Proposition 218 Notice**"). The proposed Proposition 218 Notice is attached to this Resolution as Exhibit A.

Section 2. Board Consideration of Solid Waste Rates. The Board has reviewed the Solid Waste Rate Study, the Solid Waste Rates, the Proposition 218 Notice, and the information submitted with the agenda report regarding the proposed adjustments to the Solid Waste Rates, the parcels to which the proposed adjustments to the Solid Waste Rates would apply, and the reasons and basis for the proposed adjustments to Solid Waste Rates, and the Board has determined the following: (i) the proposed Solid Waste Rates are not imposed as a condition of approval of a development project; (ii) the Solid Waste Rates are established based upon a rational basis between the fees charged each resident and the service and facilities provided to each resident/user of the District's Solid Waste Facility, as the case may be; (iii) the revenues derived from the proposed Solid Waste Rates do not exceed the estimated reasonable cost to provide the property related services; (iv) the revenues derived from the proposed Solid Waste Rates will not be used for any other purpose than that for which the Solid Waste Rates are imposed; (v) the

proposed Solid Waste Rates do not exceed the proportional cost of the service attributable to each parcel; (vi) the proposed Solid Waste Rates are imposed on services which are immediately available to each parcel; (vii) the proposed Solid Waste Rates are not levied for general governmental services; and (viii) the proposed Solid Waste Rates are not discriminatory or excessive, are sufficient under California Government Code, comply with the provisions or covenants of any outstanding debt of the District payable from the revenues of the Solid Waste Operating Fund, comply with the provisions of Proposition 218, and are in compliance with all other applicable laws.

Section 3. Setting Public Hearing for Proposed Solid Waste Rates. Pursuant to Proposition 218, the Board orders that the Public Hearing be held at the regular meeting of the Board of Directors on July 29, 2021 at 6:00 p.m., at the District offices, located at 28999 South Lower Valley Road, Tehachapi, California for the purposes of this Board's determination whether the public interest, convenience and safety require the proposed Solid Waste Rates, the tabulation of written protests and the determination of the existence of any majority protest and this Board's final action upon the Solid Waste Rate Study and the Solid Waste Rates. Written protests must be received prior to the conclusion of the Public Hearing. At the Public Hearing, all interested persons will be afforded the opportunity to be heard. The Public Hearing may be continued from time to time as determined by the Board.

Section 4. Mailing of Proposition 218 Notice. The Secretary of the Board is authorized and directed to cause notice of the Public Hearing ordered under Section 3 to be given by mailing, postage prepaid, in the United States mail, and such notice will be deemed to have been given when so deposited in such mail. The envelope or cover of the mailing must include the name of the District and the return address of the Secretary of the Board as the sender. The mailed notice must be given to all owners of property proposed to be subject to the Solid Waste Rates in the Solid Waste Rate Study whose names and addresses appear on the last equalized tax roll of the County of Kern. The notice must be mailed not less than 45 days before the date of the Public Hearing ordered under Section 3.

Section 5. Publication of Notice. The Secretary of the Board is directed to cause notice of the time and place of the Public Hearing to be published in the local newspaper for two consecutive weeks not less than ten (10) days before the date of the Public Hearing, and by posting a copy of this resolution on the official bulletin board customarily used by the District Board for the posting of notices and on the District's website.

Section 6. Effective Date. This Resolution will take effect upon adoption.

ADOPTED on June 10, 2021 by the following vote:


AYES: Grace, Jensen, Quinn, Roberts, Hahn

NOES: None

ABSTAIN: None


ABSENT: None

BY:



Gregory Hahn, Board President

ATTEST:



Kristy McEwen, Board Secretary