

RESOLUTION NO. 2021/22-03

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAR VALLEY
COMMUNITY SERVICES DISTRICT ESTABLISHING NEW RATES FOR SOLID WASTE
DISPOSAL SERVICE BEGINNING IN AUGUST 2021
THROUGH CALENDAR YEAR 2025**

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**") dated May, 2021, to review the District's existing 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 ("**Transfer Station**"), (2) provide adequate reserves for unforeseen extraordinary maintenance and repairs, and (3) provide for capital expenditures.

C. The Solid Waste Rate Study recommends a revised Solid Waste rate schedule for 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 Transfer Station, provide reserves for unforeseen extraordinary maintenance and repairs, and provide for capital expenditures.

E. Pursuant to Resolution No. 20/21-24 adopted on June 10, 2021, the Board set a public hearing ("**Public Hearing**") on July 29, 2021 to consider the proposed Solid Waste Rates, notice of which was mailed to all record owners of affected property at least 45 days prior to Public Hearing. The notice described (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.

F. The Board held the duly noticed Public Hearing on July 29, 2021. All interested persons were afforded the opportunity to be heard, and the Board considered all written protests against the proposed Solid Waste Rates received by the close of the Public Hearing.

G. Written protests against the proposed Solid Waste Rates were not presented by a majority of the affected parcels.

H. The procedures followed and the proposed Solid Waste Rates are in compliance with Proposition 218 based on 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 upon a rational basis between the fees charged each customer and the service and facilities provided to each residential property owner or tenant, as applicable; (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 the 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 2. Environmental Review. The Board of Directors exercises its independent judgment and finds that the adoption of this Resolution is not a "project" within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment. This Resolution is also exempt from CEQA under the exemptions contained in CEQA Guidelines section 15273(a) because it constitutes the establishment of fees or charges for the purpose of obtaining funds to meet the financial and service obligations of the Transfer Station for ongoing operation and maintenance, debt service, and capital improvements within existing service areas, and CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

Section 3. Approval of Solid Waste Rate Study. The Board of Directors accepts and approves the Solid Waste Rate Study setting forth the basis for the Solid Waste Rates.


Section 4. Approval of Solid Waste Rates. The Board approves the Solid Waste Rates set forth in Exhibit A of this Resolution. The Solid Waste Rates for 2021 will be effective as of August 1, 2021. The Solid Waste Rates set forth for calendar years 2022, 2023, 2024, and 2025 will be effective as of February 1 of each such year, unless the Board determines otherwise by separate resolution.

Section 5. Repeal of Existing Solid Waste Rates. The Solid Waste Rates established under this Resolution supersede all Solid Waste Rates covering the same services adopted under Resolution 07-1277 or any prior resolution and such Solid Waste Rates are hereby repealed.

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

ADOPTED on July 29, 2021 by the following vote:

AYES:	Carlyn, Grace, Quinn, Hahn
NOES:	Jensen
ABSENT:	None
ABSTAIN:	None

BY: 

Gregory Hahn, Board President

ATTEST: 

Kristy McEwen, Board Secretary

EXHIBIT A

NEW SOLID WASTE RATES (2021-2025)

Year	Unit Charge
August 2021	\$26.00
February 2022	\$29.00
February 2023	\$31.00
February 2024	\$31.00
February 2025	\$31.00