

RESOLUTION NO. 2017-3

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WRIGHTWOOD COMMUNITY SERVICES DISTRICT
CONFIRMING THE ESTABLISHMENT AND COLLECTION OF
SOLID WASTE MANAGEMENT DISPOSAL FACILITY FEES
ON CERTAIN REAL PROPERTIES IN SAN BERNARDINO 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, 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, following a public protest hearing held on September 22, 2016, and an election held on March 7, 2017, the results of which were certified by the San Bernardino County Registrar of Voters and the Los Angeles County Registrar-Recorder/County Clerk.

WHEREAS, Condition No. 6 of both Resolution No. 3227 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 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 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 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, the Board wishes to establish, fix, and levy on certain real properties in the portions of the District’s boundaries located within San Bernardino County the Fee that has been collected by the County from properties previously located within CSA56.

WHEREAS, on or about April 18, 2017, the County’s Board of Supervisors adopted an Ordinance which, pursuant to Section 16.0222(c)(1) thereof, authorized the re-establishment of the Fee within the former CSA56 area for 2017-18, and “dump cards” effective July 1, 2017, have already been issued by the County.

WHEREAS, the purpose of this Resolution is to confirm the establishment of the Fee on properties previously located within CSA56.

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 confirming the fixing, levying, imposing, and collecting a Solid Waste Management Disposal Facility Fee on properties located in the County of San Bernardino 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, pursuant to applicable law, including but not limited to the pertinent provisions of the Act, Government Code Section 56886(t), Resolution No. 3227, and Resolution No. 3245.

2. The Solid Waste Management Disposal Facility Fees hereby confirmed 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 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 confirmed meet the definition of the exception of a tax as defined in Proposition 26 passed November 3, 2010, and amending Article XIIC 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 confirmed herein to be collected at the same time, and in the same manner, as the levying of special assessments on the 2017-2018 San Bernardino 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 confirmed 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 3rd day of August, 2017, by the following vote:

AYES: _____
NOES: _____
ABSENT: _____
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



Date: 06/24/2016
 James L. Stone
 Deputy County Surveyor
 FLS 9075
 Job Number: 001417 (P) - Revised June 21, 2016

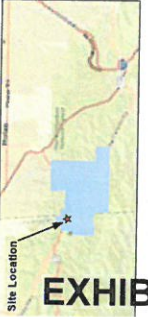


THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION

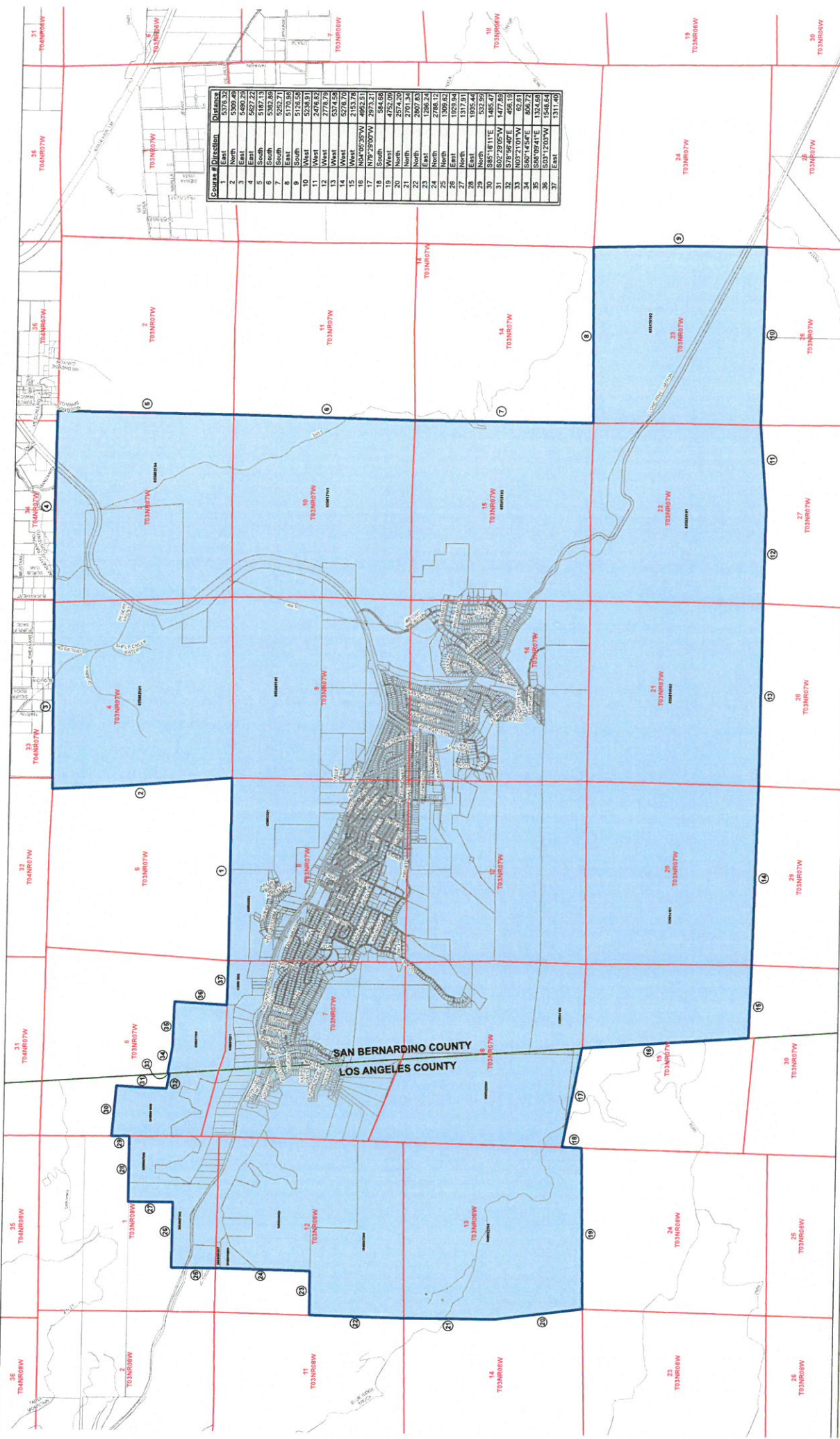
LAFCO 3202
Reorganization to Include Formation of the Wrightwood Community Service District and Dissolution of County Service Area 56
Those Portions of Township 7 North, Range 7 East, West 1/2 Sec. 14, San Bernardino County, State of California.



1 inch = 1,200 feet



Course #	Direction	Distance
1	North	5376.32
2	North	5305.46
3	East	5400.26
4	East	5627.22
5	East	5305.46
6	South	5305.46
7	South	5252.71
8	East	5170.86
9	South	5126.56
10	West	5288.31
11	West	2778.79
12	West	5374.58
13	West	5278.70
14	West	2153.79
15	West	5252.71
16	West	4923.31
17	North	5072.28 (200') W
18	South	584.66
19	West	4762.09
20	North	2701.34
21	North	2574.00
22	North	1517.31
23	East	1586.26
24	North	2708.12
25	North	1309.62
26	East	1929.84
27	North	1517.31
28	North	532.59
29	North	532.59
30	North	8467.16 (11E) 1485.47
31	South	8022.29 (5W) 1477.39
32	South	378.59 (40E) 495.19
33	South	1002.71 (10W) 62.31
34	South	1002.71 (10W) 62.31
35	South	8487.09 (41E) 1324.49
36	South	8021.20 (5W) 1548.64
37	East	1311.40



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

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