

**RESOLUTION NO. 20-425**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE SAN SIMEON COMMUNITY SERVICES DISTRICT  
FOR APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION TO  
ESTABLISH SOLID WASTE MANAGEMENT AUTHORITY FOR THE  
SAN SIMEON COMMUNITY SERVICES DISTRICT**

**WHEREAS**, the San Simeon Community Services District ("District") is a community services district duly formed under Government Code Section 61000 et seq. to provide community services within the District's service area, including road maintenance, water, sewer, weed abatement, and street lighting; and

**WHEREAS**, in order to establish the authority to provide for solid waste management authority, it is necessary, in accordance with Government Code Sections 56824.10 et. seq. to submit a resolution of Application to be filed with the Executive Officer of the Local Agency Formation Commission (LAFCO) for the purpose of scheduling a hearing by the LAFCO Commission for the approval of the exercise of said authority; and

**WHEREAS**, a noticed public hearing was held on August 12, 2020 by the District, and at that meeting there was the opportunity for public comment regarding this Resolution.

**WHEREAS**, the District is not in the sphere of influence of another city or special district that currently provides waste management services; and

**WHEREAS**, the District further finds that this Resolution was adopted at a duly noticed public hearing on August 12, 2020 pursuant to Government Code Section 56824.12(c).

**NOW, THEREFORE, BE IT RESOLVED** by the San Simeon Community Services District Board of Directors as follows:

1. The foregoing recitals are true and correct and are incorporated herein and constitute findings in support of this Resolution.
2. The provision of waste management authority will result in assurance of the public's safety and welfare.
3. Exhibit B, the Plan for Services, attached hereto and incorporated herein by reference, is approved for filing with the Executive Officer of the San Luis Obispo LAFCO.

4. The Executive Officer of LAFCO is requested to set the matter for a public hearing by the Commission pursuant to Government Code Section 56824.14 and the rules and regulations of LAFCO.
5. LAFCO is requested to approve the proposal of the San Simeon Community Services District to provide its residents with waste management services pursuant to Government Code Section 61100(t).

Upon motion of ~~Director~~ Chairperson Kellas seconded by Director Carson  
and on the following roll call vote to wit:

AYES: Kellas, Russell, Carson, NOES:  
De la Rosa, Maurer  
ABSTAIN: ABSENT:

The foregoing Resolution is hereby adopted this 12<sup>th</sup> day of August 2020.

  
\_\_\_\_\_  
Gwen Kellas, Chairperson  
Board of Directors

ATTEST:

  
\_\_\_\_\_  
Charles Grace  
Secretary/General Manager

Attachment:

Exhibit "A" -SSCSD Background and Project Description

Exhibit "B" – Plan for Services is approved for filing with the Executive Officer of the San Luis Obispo LAFCO

Exhibit "C" – Map of parcels to be included as part of this service

## **Exhibit A – Background/Situation**

### **Background**

The San Simeon Community Services District (SSCSD) is located on Highway One in north San Luis Obispo County, California. The San Simeon Acres Service District was formed pursuant to an election and Resolution of the San Luis Obispo County Board of Supervisors on May 8, 1961. The name of the District was later changed to San Simeon Community Services District.

The SSCSD is organized under California Government Code Section 61000 et al, Community Service District law. The SSCSD is currently empowered by its authorizing statutes and pursuant Code Section 61100 to provide the following services: road maintenance, water, sewer, weed abatement, and street lighting.

Five members living within the boundaries of the SSCSD serve as elected board members. The regular meetings of the Board are on the second Wednesday of the month at the Cavalier Banquet Room at 250 San Simeon Ave., San Simeon. The Board employs Grace Environmental Services to run the day to day operations and maintenance of the SSCSD. These includes a general manager, office manager, plant superintendent, and water operator.

### **Funding**

The SSCSD is funded through water and wastewater revenues and property tax revenue from San Luis Obispo County.

The fiscal year ending 2019 audit indicates the SSCSD had a cash balance of \$1,001,257. The SSCSD uses revenue from General Fund balance for minor road repairs throughout the year and other projects.

### **Situation – Solid Waste Power**

The SSCSD Board desires to activate its latent power to provide solid waste services to the residents located within their current boundaries pursuant to California Government Code Section 6100(c):

- Collect, transfer, and dispose of solid waste, and provide solid waste handling services, including, but not limited to, source reduction, recycling, and composting activities, pursuant to Division 30 (commencing with Section 40000), and consistent with Section 41821.2 of the Public Resources Code.

Solid waste services for the community of San Simeon are currently provided by San Luis Obispo County through a franchise agreement with Mission Country Disposal. The agreement provides for curbside service including weekly pickup of refuse and recycling. Commercial bin service is also available.

- **Prior Transfer of Solid Waste Authority to CSDs**

Through the LAFCO process ten community services districts in San Luis Obispo County have established solid waste authority for their communities over the years. The San Miguel CSD, Heritage Ranch CSD, Templeton CSD, and Ground Squirrel Hollow CSD are all North County CSDs that have acquired solid waste authority and operate successful solid waste programs. The last community services district to receive LAFCO approval for solid waste powers was the Ground Squirrel Hollow CSD in 2014.

- **Advantages to San Simeon Residents**

The primary advantage behind this proposal is local control of a local public service. The SSCSD Board believes there is a direct connection between road improvements and maintenance services and community solid waste services. Garbage trucks are the heaviest shortest wheelbase vehicles on the roads. Maintenance and improvements on roads to accommodate these vehicles is a priority for the SSCSD. The SSCSD historically has communicated with Mission Country Disposal and resolved to maintain roads that are accessible to garbage trucks in all weather conditions. Additionally, all community solid waste services including diversion are best met by local control of the franchise funds to support the programs. Coordination between road projects and solid waste services can be done more efficiently if both community services are controlled by the same public agency.

Public information on the requirements of a community solid waste program and the opportunity for public testimony was provided at various Board meetings. The topic of activating solid waste power for the community was discussed at Board of Directors meetings on the following dates:

- November 13, 2019
- February 12, 2020
- March 11, 2020
- August 12, 2020 (public hearing)

- **Integrated Waste Management Authority**

The San Luis Obispo County Integrated Waste Management Authority is a Joint Powers Authority (IWMA) formed in 1994 to plan and implement regional solid waste and hazardous waste programs in the County. These programs help its member jurisdictions to achieve the State requirement of fifty percent (50%) diversion of solid waste away from landfills through recycling, composting, and source reduction.

The County, all cities and all community services districts that provide solid waste services are member agencies of the IWMA. The SSCSD would join the IWMA upon its approval to implement solid waste services within its jurisdiction. The SSCSD acknowledges the obligations of local agencies to comply with Section 40050 et seq of the Public Resources Code commonly known as the California Integrated Waste Management Act of 1989.

## Exhibit B – Plan for Services

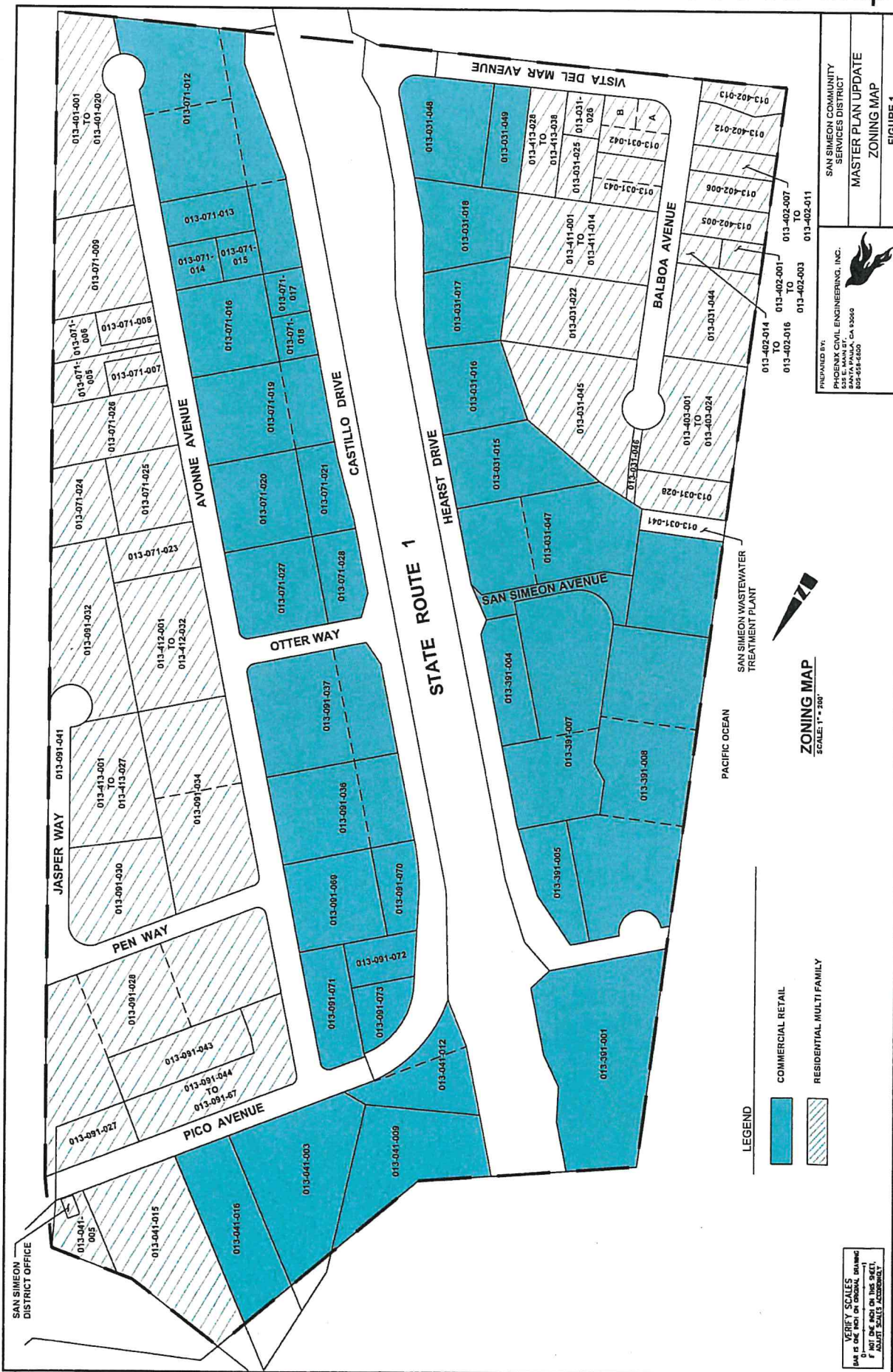
1. Service Level. The same level of service is proposed for solid waste under a franchise agreement with the same hauler, Mission Country Disposal. Weekly diversion will be provided to all customers. No disruption in the current service level is proposed.
2. Service Area. The current service boundaries of the SSCSD are proposed for solid waste service. A map of the current services area is attached as Exhibit C.
3. Service Fees. There will be no increase in solid waste fees charged to residents resulting from the SSCSD activating its solid waste fees. The franchise hauler currently bills customer monthly for solid waste service and these fees includes a 10% franchise fee charged by the San Luis Obispo County. The SSCSD will impose the same 10% franchise fee. This franchise fee will be used to support solid waste programs within the community.
4. Service Access. The solid waste hauler currently accesses all properties on roads maintained by the SSCSD. There are currently no major problems with access to any parcels. By activating its solid waste powers, the SSCSD will be better able to coordinate road work and improvement to any road conditions that may impact solid waste services in the future.
5. Service Financing. Solid waste customer will fund the day-to-day services through a fee structure approved by the franchiser and billed by the franchisee (Mission Country Waste Disposal). The SSCSD maintains enough cash reserves to create and implement a new solid waste agreement with the hauler. Cash reserves are available to maintain solid waste services in the event the hauler default on the agreement and a performance bond will be required by the hauler to maintain solid waste services in the event of default.
6. Service Management. The General Manger of the SSCSD serves to perform the administration and management of SSCSD utilities. The General Manager's serves with other utility providers in San Luis Obispo County, providing water and wastewater services. The General Manager has twelve years' experience managing agreements including negotiating new agreements and complying with all state and local solid waste laws. The SSCSD legal counsel supports many local public agencies in the compliance with solid waste regulations and franchise agreements.

7. Service Regulations. The SSCSD maintains a Code of Ordinances that provides for rules and regulation related to Board administration, purchasing, investments, and road improvements. This Code will be amended to include solid waste services.

**Terms and Conditions for the Transfer of Solid Waste Authority to the SSCSD**

1. That the San Simeon Community Services District join the San Luis Obispo County Integrated Waste Management Authority.
2. That the terms and conditions of the existing franchise agreement between San Luis Obispo County and the Mission Country Disposal be incorporated into the San Simeon Community Services District franchise agreement during the unexpired term of said franchise agreement.
3. That the SSCSD adopt rules and regulations pertaining to solid waste service within their service area and incorporate such rules and regulations into its Code of Ordinances.
4. Upon adoption of the rules and regulations referenced in condition 3 above, the San Simeon Community Services District shall be the authorized local agency to provide solid waste services within the San Simeon Community Services District's service boundaries.

# Exhibit C - SSCSD Map







1010 Marsh St., San Luis Obispo, CA 93401  
(805) 546-8208 • FAX (805) 546-8641

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

Proof of Publication of

STATE OF CALIFORNIA,

County of San Luis Obispo,

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party interested in the above entitled matter. I am the principal clerk of the printer of the *New Times*, a newspaper of general circulation, printed and published weekly in the City of San Luis Obispo, County of San Luis Obispo, and which has been adjudged a newspaper of general circulation by the Superior Court of the County of San Luis Obispo, State of California, under the date of February 5, 1993, Case number CV72789; that notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**NOTICE OF A PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the San Simeon Community Services District Board of Directors will hold a public hearing on Wednesday, August 12, 2020 at a meeting starting at 3:00 P.M. regarding the Resolution identified below. In accordance with COVID-19 restrictions, the Board meetings are conducted using the Zoom meeting website.

Website: [www.zoom.us](http://www.zoom.us)  
 Phone: 669-900-9128 or 346-248-7799  
 Meeting ID: 927 053 7206  
 Password: 114376

If you need assistance logging in please contact the District office at (805) 927-4778 or via email at [admin@sansimeoncsd.org](mailto:admin@sansimeoncsd.org). Persons that do not have access to the internet or phone but wish to participate or comment at the public hearing should also contact the District office.

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Any affected local agency, affected county, or any interested person who wishes to appear at the hearing shall be given an opportunity to provide oral or written testimony on the resolution.

Courtney Murguia, Office Manager  
 July 16, 2020

July 16  
in the year 2020.

I certify (or declare) under the the penalty of perjury that the foregoing is true and correct. Dated at San Luis Obispo, California, this day 16 of July, 2020.

Patricia Horton  
Patricia Horton, New Times Legals