

## REVISED PUBLIC NOTICE

### MALAGA COUNTY WATER DISTRICT

#### NOTICE OF PUBLIC HEARING ON PROPOSED RATES FOR CONSOLIDATED ROLL-OFF SOLID WASTE DISPOSAL SERVICE AND NOTICE OF EXCLUSIVE ROLL-OFF SOLID WASTE COLLECTION PROVIDER

To comply with Proposition 218 (California Constitution Article XIII (D), Section 6), the Malaga County Water District gives the following notice:

1. Date, Time, Location and Purpose of Public Hearing:

At 6:00 p.m. on December 12, 2017, at the District Office, 3580 S Frank Street, Fresno, Ca 93725, the Board of Directors ("Board") will hold a public hearing on proposed rates for consolidated roll-off solid waste disposal service ("R/O") provided exclusively by the District.

2. Consolidated Exclusive Service

The Malaga County Water District ("District", or "MCWD") adopted Ordinance 2017-1 that amended the Malaga Code to require that all solid waste within the District including R/O be provided exclusively by the District through its contract solid waste service provider. Prior to the adoption of Ordinance 2017-1, individuals or businesses requiring R/O contracted through various R/O service providers. This required each customer to negotiate individually with the various providers that likely resulted in customers within the District paying different rates for varying levels of service, less efficient disposal and greater negative impacts on the environment. The District, pursuant to its authority under Article 9 of Part 5 of Division 12 beginning at section 31135 of the California Water Code has determined that it is in the best interests of the residents and businesses within the District and necessary to protect the health safety and welfare of all of those who live and work in the District and surrounding area that all R/O solid waste disposal services in MCWD be provided by the District through an exclusive solid waste service provider. The District's authorized exclusive contract R/O solid waste service provider is Orange Avenue Disposal Company, a California Corporation DBA Industrial Waste and Salvage ("IWS"), 3457 S. Cedar Ave, Fresno, Ca 93725.

3. Conversion

Individuals or businesses currently receiving R/O from any waste hauler other than IWS shall be required to convert services to IWS on or before March 1, 2018. IWS will contact all R/O customers in MCWD to coordinate a smooth transition to IWS services.

4. Roll-Off Rates

R/O solid waste service rates, as with other public utility rates in Malaga, are limited to the costs to provide the service. The rates to provide R/O services include equipment costs and maintenance, fuel, wages and salaries, administration costs, costs for compliance with state and county regulations, processing fees, transfer fees, and landfill dumping (tipping) fees. The rates for the pull fee and tipping fee include a 10% franchise fee added by the District. There is no franchise fee added to the one-time delivery fee or rental

charge. Rental costs for R/O containers are the same for all open top standard R/O containers that will be provided.

The proposed R/O service rates effective January 1, 2018, are as follows:

Delivery Fee: \$ 100.00 (one-time fee to deliver new R/O container)

Pull Fee: \$ 154.00 per pull

Tipping Fee: \$ 52.80 per ton

Open Container Rent: \$ 5.00 per day

5. Basis for the Rates.

The District, in conjunction with IWS has prepared, and presented a report (the "Report") before the Board describing (i) the service provided by IWS; (ii) the funds necessary to provide those services, including accountings which summarize the cost to IWS for providing the service in accordance with the franchise agreement; (iii) the proposed rate increases for services to be provided by IWS for R/O services including the costs of diversion of certain materials as required by the Franchise Agreement or applicable law. The Report, and proposed amended solid and green waste collection and recycling franchise agreement between the District and IWS showing such information is located and on file at the office of the District, 3580 South Frank Street, Fresno, California 93725.

6. Automatic Inflationary Increases:

In addition to the proposed Pull Fee and Tipping Fee rates effective January 1, 2018 shown above, rates will be adjusted based on the annual change in the "California Consumer Price Index all Items -1982-1984=100) as published by the California Office of Policy, Research and Legislation", ("Annual CPI") and annual change in the "Department of Labor, Bureau of Labor Statistics, Producer Price Index-Commodities, #2 Diesel fuel", ("Fuel Cost Adjustment") In no event will the Annual CPI Rate Adjustment and the Fuel Cost Adjustment combined exceed fifteen percent (15%) in any year. Automatic inflationary increases will be implemented on 1 August annually based upon the Annual CPI published in June for that year.

7. Public Hearing Process and Determination of a Majority Protest:

At the time and place shown in paragraph 1 of this notice, the Board will hear and consider all objections and protests, if any, and verify all written protests to the proposed R/O rate and will listen to and consider all objections and challenges, if any, to the proposed rate. The Board may continue the public hearing. The Board will not consider written protests submitted after the conclusion of the public hearing.

Both the owner of the parcel and the person receiving service for which the fee is charged may submit a written protest. Only one protest per parcel is counted. The written protest must include: (1) your original signature; (2) identification of the parcel by parcel number or street address; (3) identification as the owner of the parcel or person receiving the service for which the fee is charged; and (4) your statement that protests the proposed rate. Written protests may be mailed to: Malaga County Water District, 3580 South Frank Street, Fresno, California 93725, Attention: General Manager. Written protests are not accepted by email or facsimile.

If sufficient written protests against the proposed rate are presented and not withdrawn by a majority of the record owners or persons receiving service for the parcels subject to the increased rates, the District may not impose the proposed rate. If at the close of the public hearing, there is no majority protest as described above, the Board may approve the rate as proposed to be effective beginning on January 1, 2018.

8. Preserving the Right to Challenge:

Any person who wants to preserve the opportunity to file a lawsuit or legal action challenging the proposed rate for R/O solid waste disposal service must file a written protest with the Board, stating the specific grounds of the protest. Any grounds not stated in a written protest filed with the Board before the close of the protest hearing on December 12, 2017, will be deemed waived and may not be raised in any subsequent lawsuit or legal action.

9. Additional Information:

For information and answers to questions about the proposed R/O service rate, contact James Anderson, General Manager, Malaga County Water District at (559) 485-7353.

MALAGA COUNTY WATER DISTRICT BY:

*James D. Anderson*

James Anderson  
General Manager