

BOARD OF DIRECTORS

Debra Logan
President

Wayne Petersen
Vice-President

Geoff English
Director

Navid Fardanesh
Director

Pamela Jardini
Director



STAFF

Jeff Briltz
General Manager

Bettina L. Mayer, P.E.
District Engineer

Laurie A. Ion
*Assistant to General Manager/
Board Secretary*

Frank Sprague
Utilities Manager

Natalie Klock
Finance Officer

Tom Peterson
Fire Chief

Melissa Johnson
Recreation Supervisor

TEMPLETON COMMUNITY SERVICES DISTRICT

P.O. BOX 780 • 420 CROCKER STREET • TEMPLETON, CA 93465 • (805) 434-4900 • FAX: (805) 434-4820 • www.templetoncsd.org

ORDINANCE NO. 2021 - 4

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE TEMPLETON COMMUNITY SERVICE DISTRICT REPEALING SECTION 12.08.060 OF THE TEMPLETON COMMUNITY SERVICES DISTRICT CODE RELATING TO USE OF SOLID WASTE FRANCHISE FEES

The Board of the Directors of the Templeton Community Services District Ordains as follows:

SECTION ONE. RECITALS.

WHEREAS, on September 21, 2000 the San Luis Obispo County Local Agency Formation Commission adopted Resolution No. 2000-8 granting authority to the Templeton Community Services District pursuant to Government Code Section 61600(c) to provide collection and disposal of garbage and refuse material ("Solid Waste"); and

WHEREAS, on March 6, 2001 the Board of Directors adopted Ordinance No. 2001-1 relating to Solid Waste, which Ordinance is now codified as Chapter 12.08 of the Templeton Community Services District Code; and

WHEREAS, the District has entered into a Solid Waste and Recyclable Materials Collection Agreement and granted a solid waste collection franchise to Mid State Solid Waste and Recycling Services, Inc. ("Mid State") pursuant to which, in consideration for the granting of the franchise and for the privilege of providing solid waste and recyclable materials service along and within the rights-of-way of the District, Mid State pays to the District a franchise fee equal to ten percent (10%) of its annual gross receipts attributable to Solid Waste services provided under the Agreement; and

WHEREAS, the Templeton Community Services District Code Section 12.08.060 ("Section 12.08.060") provides that all Solid Waste franchise fees collected by the District's authorized franchisee are to be deposited into a restricted account and can only be used for purposes that reasonably relate to providing for the collection or disposal of garbage or refuse matter and solid waste enforcement; and

WHEREAS, there is no legal requirement that the use of Solid Waste franchise fees must be limited to purposes that relate to providing such services, agencies throughout the State use franchise fees as unrestricted revenue, and in the case *Jacks v City of Santa Barbara* (2017) 3 Cal.5th 248, the California Supreme Court confirmed that such fees generate discretionary (i.e., general fund) revenues that can be used for any lawful purpose of the agency; and

WHEREAS, the Board of Directors has determined that Section 12.08.060 should be repealed in order to provide for the merger of the Parks and Recreation Fund with the Solid Waste Fund and to allow for expanded use of such funds; and

WHEREAS, based upon the foregoing recitals, the Board of Directors desires to adopt this Ordinance, to provide for the repeal of Section 12.08.060.

SECTION TWO. AMENDMENT TO TEMPLETON COMMUNITY SERVICES DISTRICT CODE

Templeton Community Services District Code Section 12.08.060 is hereby repealed.

SECTION THREE. ENVIRONMENTAL COMPLIANCE.

The enactment of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), which is the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and CEQA does not apply where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment

SECTION FOUR. INCONSISTENCY.

To the extent that the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior District ordinances, resolutions, rules, or regulations governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof and such inconsistent or conflicting provisions of prior ordinances, resolutions, rules, or regulations are hereby repealed as of the effective date of this Ordinance.

SECTION FIVE. INVALIDITY.

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, no other provision of this Ordinance shall be affected thereby.

SECTION SIX. EFFECTIVE DATE.

This Ordinance shall take effect thirty days from the date of final passage.

SECTION SEVEN. PUBLICATION.

A summary of this Ordinance shall be published in a newspaper published and circulated in the District at least five (5) days prior to the Board of Directors meeting at which the proposed Ordinance is to be adopted. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those Board members voting for and against the Ordinance shall be published again, and the Board Secretary shall post a certified copy of the full text of such adopted Ordinance. A complete copy of the Ordinance is available for public inspection and copying at the District's office in accordance with the California Public Records Act. (Government Code section 6250 through 6276.48.)

INTRODUCED by the Board of Directors of the Templeton Community Services District
on the 15th day of June, 2021.

PASSED AND ADOPTED by the Board of Directors of the Templeton Community
Services District on the 6th day of July, 2021, by the following vote:

AYES:	English, Petersen, Fardanesh, Jardini and Logan
NOES:	None
ABSENT:	None
ABSTAIN:	None

TEMPLETON COMMUNITY SERVICES DISTRICT

By: 
President, Board of Directors

ATTEST:

By: 
Andrea Ingwerson
Assistant Clerk, Board of Directors

CERTIFICATE

I hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 2021-4, duly and regularly adopted by the Board of Directors of TEMPLETON COMMUNITY SERVICES DISTRICT, County of San Luis Obispo, on the 6th day of July, 2021.

/s/ Andrea Ingwerson
Assistant Clerk, Board of Directors
TEMPLETON COMMUNITY SERVICES
DISTRICT