



## **EDH CSD EXCLUSIVE TRASH CONTRACT DISPARAGED**

El Dorado Hills resident David Terrie is unhappy with the Community Services District's (CSD) exclusive trash pickup contract with trash hauler Waste Connection, which does business in El Dorado Hills as El Dorado Disposal. He disagrees with the positions of Waste Connection and the CSD that the franchise granted by the CSD to Waste Connections reserves the trash pickup business in El Dorado Hills to Waste Connection exclusively. According to the CSD and Waste Connections, all trash must be picked up by Waste Connection.

The situation came to light when Terrie called 1-800-GOT-JUNK to pick up an old sofa from his house. He was told that the local 1-800-GOT-JUNK franchisee has been legally warned to cease doing business in El Dorado Hills, since Waste Connection had the exclusive right to pick up trash there.

Terrie contacted Waste Connection and was put through to a person who first suggested they could drop a trash container off in front of his house in which he could place his trash. When he said that the point of hiring someone like 1-800-GOT-JUNK is having this done for you quickly and conveniently, she allowed as how if he piled everything up along the side of his house, they would pull up a flatbed truck and haul it away for a fee.

Terrie then contacted Wayne Lowery at the CSD, who told Terrie that the California Integrated Waste Management Act of 1989

requires that local agencies provide waste collection services for its residents, which includes entering into exclusive franchise agreements with service providers such as Waste Connection, doing business as El Dorado Disposal. The CSD entered into a franchise agreement with Waste Connection's predecessor, El Dorado Disposal Service Inc., for the "exclusive privilege and duty to make and enter into independent arrangements with residents and/or owners . . . in the Franchise Area for the collection, transportation and removal to Solid Waste disposal facilities, all residential, industrial and Commercial Solid Waste (including Recyclables and Recyclable Material) generated or accumulated within the Franchise Area...," Lowery said.

According to Lowery, the current franchise agreement expires in July of 2015, and the CSD has adopted ordinances in order to enforce this franchise agreement, the last ordinance being adopted in 2007.

Solid waste is generally defined in the franchise agreement to mean all wastes, including bulky wastes which are defined as large items of solid waste such as appliances, furniture, large auto parts, trees, branches, stumps and other oversize wastes. Some exceptions are when a person takes trash to an authorized disposal area or transfer station himself, when a contractor removes trash incidental to work such as remodeling or gardening, and when a resident donates material to a bona fide charity.

The CSD's position is that the trash pickup services provided by 1-800-GOT-JUNK do not fall within these exceptions because the services provided by 1-800-GOT-JUNK are to pick up and dispose of bulky waste, items that fall within the definition of solid wastes. Therefore, any company who provides services to collect or dispose of such items would be in violation of the Franchise Agreement and Ordinance. El Dorado Disposal does in fact provide a fee-based service to collect these items, such as old couches, and will pick up such items upon specific arrangement with El Dorado Disposal.

*(continued on page 2)*



## **EL DORADO HILLS COMMUNITY SERVICES DISTRICT TIGHTENS ITS FINANCIAL BELT**

Emulating the cost-cutting measures adopted by the county, the El Dorado Hills Community Services District has slimmed down their organization in order to realize savings of about \$200,000 to \$250,000 in the fiscal year that began July 1. The final budget came out to be about \$7.7 for fiscal year 2009-10. The final budget is only \$70,000 more than for the last fiscal year and takes into account a projected one percent decline in property tax revenues, according to a district news release.

The CSD board has been pushing district management to economize, and General Manager Wayne Lowery and Finance Director Allison Hamaker have responded with spending cuts and reduced head counts, resulting in a million dollar reduction in projected district spending.

The district's reorganization plan generally consolidates operational responsibilities in the Parks Department and the Finance Department, in a move similar to the recent consolidation at the county that swept many responsibilities under the county Department of Transportation. Projected savings at both the district and the county are expected from the elimination of duplication of efforts.

The most visible impact is the elimination of the Planning Department and its director,

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## CSD TRASH *(continued)*

The CSD contends that 1-800-GOT-JUNK does not offer any service not provided by El Dorado Disposal Service and may actually charge more. To the credit of El Dorado Disposal, they also donate in kind services and provide many free services as well as other types of contributions throughout the community to benefit El Dorado Hills residents. Besides supporting local events such as the CSD's Summer Concert series and Saturday Night in the Park, they have also supported the development of the Jeff Mitchell Memorial Baseball Field in Bertelsen Park.

The CSD also advises anyone who has, or knows anyone who needs, solid waste collection services provided in their home, to call El Dorado Disposal, Debi Harlow, at 530-295-2818. Also, Sue Farris is the General Manager for El Dorado Disposal Service and is available at 530-295-2816.

Critics of the exclusive franchise point out that the franchise exclusivity is not due to the law but the decision of the CSD. The California Code allows governing local agencies like the CSD to decide whether services are to be nonexclusive, partially exclusive, or completely exclusive. They also point out that Section 3A of the franchise agreement stipulates that the exclusivity covers waste that has been generated within the franchise area covered by the agreement and "placed for collection," which appears to exclude bulk items at the side of one's house.

Lowery responds that if third party haulers were allowed to come into the jurisdiction and haul away everything that isn't typical waste put "out for collection," that would arguably include construction and demolition debris and other debris or waste which is factored into the diversion requirement for El Dorado Hills. Granting several franchises the ability to haul waste within the community becomes difficult to manage with respect to ensuring that diversion (recycling) requirements are being met, results in several different pricing structures with different companies, and often results in disagreement over which hauler is entitled to haul which type of waste. This can lead to legal battles, which can be expensive and inefficient for all involved, including the residents receiving the service. By the way, Lowery continued, the District potentially faces a \$10,000 per day fine for failure to meet the fifty percent waste diversion requirement.

Attempts are often made to compare El

Dorado Hills with other jurisdictions and the types of franchise agreements that other jurisdictions have, according to Lowery. However, he said that El Dorado Hills is a unique community and such comparison often is like comparing apples to oranges rather than apples to apples. Other jurisdictions that are often compared are frequently much larger jurisdictions with much higher population and significantly more commercial waste, which often lends itself to operating more than one franchise agreement for waste collection. Additionally, to be honest, other jurisdictions simply are not as efficient as the system currently in place in El Dorado Hills, said Lowery.

Other residents privy to the situation wonder why the fuel surcharge, added to residents' trash bills during the fuel price run-up, continue to appear on their bills now that fuel prices have eased. According to Lowey, the surcharge was a two year commitment and sunsets in September of 2010. Also, they ask why mom-and-pop trash pickup services are allowed to ply their trade in El Dorado Hills, while 1-800-GOT-JUNK is excluded?

Wayne Lowery may be contacted at the El Dorado Hills Community Services District offices on Harvard Way at 916-614-3211. ~



## THE MONTH OF AUGUST

August is named after the Roman emperor Augustus, who was the adopted son of his great-uncle Julius Caesar. Called by many different names during his lifetime, Augustus is often simply referred to by historians as Octavian, which was his birth name. Augustus became the first emperor of the Roman Empire, which he ruled alone from 27 BC until his death in AD 14.

The rule of Augustus initiated an era of relative peace known as the Pax Romana, or Roman peace. Despite continuous frontier wars, and one year-long civil war over the imperial succession, the Mediterranean world remained at peace for more than two centuries. Augustus expanded the Roman Empire, secured its boundaries with client states, and made peace with Parthia through diplomacy. He reformed the Roman system

of taxation, developed networks of roads with an official courier system, established a standing army, established the Praetorian Guard, and created official police and fire-fighting forces for Rome. Much of the city was rebuilt under Augustus. So Augustus was a very popular, well-liked emperor.

Upon his death in AD 14, Augustus was declared a god by the Senate, to be worshipped by the Romans, and the month of Sextillis was officially renamed Augustus in his honor.

You will recall that Sextillus was the sixth (Latin *sex* or six) month of the Old Roman calendar, which had ten months, the winter-time having no months. The Julian calendar subsequently added three months to delineate the winter (our January, February and March) but did not change the names of the original months. So odd as it might seem, Sextillus (Latin *sixth month*) became the eighth month of the Julian calendar.

Not only did the Senate rename the month Augustus, it was decided that Augustus should have as many days as Julius (July), the month named after Julius Caesar. So instead of August having a mere 30 days, it was lengthened to 31 days, preventing anyone from claiming that Emperor Augustus had been saddled with an inferior month.

To accommodate this change, an adjustment to the calendar was necessary. The extra day needed to inflate the importance of Augustus was taken from Februarius (February), a month which originally had 29 days (30 days in a leap year), and which was now reduced to 28 days (29 days in a leap year).

Fortunately, both Junius and Augustus survive as July and August in the present day calendar to remind us of the origins of the names of these months. ~

## CSD TIGHTENS *(continued)*

Dianna Hillyer. Most of the Planning Department's solid waste and cable television franchise responsibilities will be reassigned to the Finance Department. The Parks and Recreation Departments will now report directly to Assistant General Manager Sandi Kukkola, who assumes more responsibilities in the new organization.

A number of full time positions have been eliminated, some of which were already vacant. Among the positions eliminated were the planning director, a parks supervisor, administrative positions. Several vacant positions have been frozen pending review of the district's budget at mid-year.

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## THE PRESIDENT'S LETTER



Hello All,

Well, here it is August already. It's still Summer, though the trees and plants are telling us that Summer is drawing to a close. The honey locust in our front yard is losing its leaves already, though it's known for being an early leaf-dropper. So Fall is not too far away.

These hints of fall are reminding us to be sure to get out and enjoy the summer while we can. The cooler weather we have had lately has Fran and me eating our meals outside whenever we can.

The grapes in the vineyard are also signaling that harvest will be here in a while. They have started what is called veraison, the stage where the grape berries turn red. The vines themselves have started the process known as aoutement, a French term used to describe the period when the vine's rate of growth slows and the shoots and canes begin to show woodiness (lignification). All of the energy of the vines is becoming directed towards the ripening of the grapes rather than cane growth.

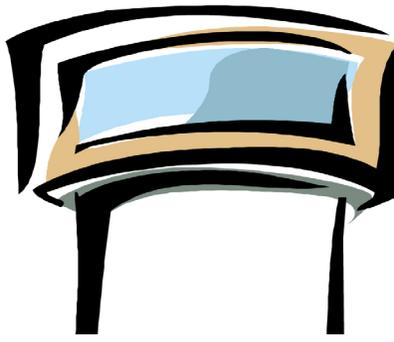
This is the time of year when the wild turkeys come by the vineyard, looking for tasty grapes to eat. Last time they pushed through the row netting to eat many grapes. This year we have foiled them by completely netting the whole vineyard with bird netting.

The rest of the garden also seems to have settled down to a languid torpor that will carry it into the Autumn. Though we do not have fruit trees, we are fortunate in that we have had friends drop by with bags of delicious peaches and nectarines.

So let us enjoy our August sunshine with a hint of Autumn in the air.

*John E. Thomson*

President



## PLANNING COMMISSION REJECTS ELECTRONIC SIGN FOR EDH CSD

The county Planning Commission last month rejected a special use permit that would have allowed for the placement of a sixty-square-foot dynamic electronic (light-emitting-diode or LED) sign on El Dorado Hills Boulevard at Harvard Way at the El Dorado Hills Community Services District headquarters. Similar types of LED signs can be found at Folsom Auto Mall and California State University along Highway 50.

Artificial light has long stirred controversy in El Dorado Hills, though the target typically has been athletic-field lights. Neighboring residents protested after field lights were installed at Community Park in 1989, and the lights eventually were removed. More recently, residents of the Promontory neighborhood, who opted to forgo street lights to avoid light pollution, fought unsuccessfully to prevent their installation at Promontory Park.

The LED sign request had earlier been considered by the El Dorado Hills Area Planning Advisory Committee (APAC). APAC had split over the issue, and presented both sides of the issue to the Planning Commission in their recommendation. Those APAC members opposing the sign were concerned about proliferation, contending that if one LED sign were allowed, any business or organization in El Dorado Hills would be able to put one up.

County Counsel Paula Frantz addressed the proliferation issue. She stated that a distinction can be made between commercial and non-commercial signs, but not on account of content. The issue at hand is First Amendment rights. Frantz explained that the county cannot make a decision based on who the applicant is or what the message says. The county can regulate the time, place, and manner of speech, but not as to the content, as the First Amendment must be uniformly applied. In response to inquiries on why

schools are allowed reader boards, Frantz said that the County does not have land use authority over the schools, which are autonomous and answer only to the State.

Some people suggested limiting reader boards to government facilities and public health and safety messages, but Frantz said such restrictions could run afoul of the First Amendment. "The first one will not be the last one," Frantz said, of such signs. "You will not be able to say 'no' to the next one very easily."

Jim O'Camb, a division chief with the El Dorado Hills Fire Department, said the department was awaiting the outcome of the community services district's request before seeking similar signs at three fire stations to publicize such things as child car-seat campaigns and CPR classes and to post emergency advisories. Incorporating new technologies into the county's sign ordinance, he said, is long overdue.

In denying the request, the Commission found that the issuance of the permit is not consistent with the General Plan since it requires that new development limit excessive nighttime glare. LED reader board signage is not permitted within the County as they may expose motorists and nearby residents to potentially significant glare. The potential light and glare would be incompatible with surrounding uses and would be inconsistent with the policy which requires new development to be compatible with surrounding land uses.

The Commission also found that the proposed use would be detrimental to the public health, safety and welfare, or injurious to the neighborhood, in that the ability for LED signs to produce changeable sign copy and varying intensity would distract motorists and nearby residents. The potential to create a vehicular hazard would pose a safety hazard along El Dorado Hills Boulevard and Harvard Way.

The Commission also found that the proposed use is not specifically permitted by a special use permit pursuant to sections of the County Code that prohibit signage that has the potential to produce objectionable glare and has the potential to be movable. The proposed LED sign utilized exposed LED's and has the ability to produce moveable images, which is not consistent with the County Code.

However, the commissioners acknowledged that pressure to allow the signs is increasing, and ordered that a workshop be scheduled to consider sign technologies more in keeping with the county's aesthetic values. ~

**CSD TIGHTENS** *(continued)*

Although the district has other sources of revenue to fund activities, such as landscaping and lighting assessment districts (LLADs) and enforcement of neighborhood covenants, conditions and restrictions (CC&Rs), most day-to-day operations are supported by the general fund.

Despite the cuts, officials said they will continue to maintain parks, street landscaping and sports fields, and to offer recreation programs for all ages and diverse interests. The reorganization plan is expected to be completed by August 7, 2009. ~

**AUGUST**

*August rushes by like desert rainfall,  
A flood of frenzied upheaval,  
Expected,  
But still catching me unprepared.  
Like a matchflame  
Bursting on the scene,  
Heat and haze of crimson sunsets.  
Like a dream  
Of moon and dark barely recalled,  
A moment,  
Shadows caught in a blink.  
Like a quick kiss;  
One wishes for more  
But it suddenly turns to leave,  
Dragging summer away*

— Elizabeth Maua Taylor

**BLAC SETS SEPTEMBER BOARD MEETING AND OKTOBERFEST PARTY**

The Board of Directors of Bass Lake Action Committee will meet on September 14, 2009 at 7:00 PM at the Bridlewood Canyon Homeowners Community Center located on Devon Way in Bridlewood Canyon. This meeting is being scheduled later in the month to accommodate the Labor Day holiday.

Guest speaker will be Guy Gertsch, who is a Director on the El Dorado Hills Community Services District Board. Guy was elected in November 2008, and his term of office runs through the year 2012. Guy currently serves on the Board's Parks & Planning and Recreation & Volunteer Committees. Guy will comment on the district's current budget and the district's recent reorganization.

Further information and directions to the September meeting may be obtained from Kathy Prevost at 530-672-6836. ~

**OKTOBERFEST PARTY REMINDER**

BLAC members are reminded of the Oktoberfest that will be hosted by BLAC on October 10th to celebrate our sixth anniversary. Bavarian music, food, and beverages will be featured. Invitations will go out to the families of BLAC members, supporters and friends in early September. Please RSVP early to allow us to arrange for food and seating. Information regarding the Oktoberfest may be obtained from Fran Thomson, 530-677-3039. ~

Bass Lake Action Committee  
501 Kirkwood Court  
El Dorado Hills, CA 95762

**DID YOU KNOW?**

The following people were born in August: Francis Scott Key, author of "The Star-Spangled Banner," born on August 1, 1779; Alfred, Lord Tennyson, English poet, born on August 6, 1809; American poet Sara Teasdale, born on August 8, 1884; Herbert Hoover, 31st President of the United States, born in Iowa, on August 10, 1874; Annie Oakley, sharpshooter, born on August 13, 1860; Virginia Dare, first English child born in America, born on August 18, 1587; Orville Wright, pioneer American aviator and airplane designer, born on August 19, 1871; Lyndon B. Johnson, 36th President of the United States, born on August 27, 1908; and Oliver Wendell Holmes, American physician and man of letters, was born on August 29, 1809. ~

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John E. Thomson, Ph.D.  
President and Editor  
doctorjet@basslakeaction.org  
530-677-3039

For additional information see our website [basslakeaction.org](http://basslakeaction.org) or contact

Vice President Kathy Prevost  
[kathyp@basslakeaction.org](mailto:kathyp@basslakeaction.org)  
530-672-6836