

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
RIALTO CALIFORNIA AUTHORIZING AN INCREASE TO SOLID
WASTE HANDLING SERVICE RATES FOR FISCAL YEARS
2023/2024 THROUGH 2026/2027**

WHEREAS, the City of Rialto is a municipal corporation duly organized and existing pursuant to the Constitution and laws of the State of California, (hereinafter the “City”); and

WHEREAS, the City Council has by previous action entered into a franchise agreement with Burrtec Waste Industries (hereinafter "Burrtec"), for the collection and disposal of residential and commercial solid waste within the City; and

WHEREAS, on April 25, 2023, the City Council adopted Resolution 8069, declaring its intention to set a public hearing for June 27, 2023, to consider solid waste handling services rates for fiscal years 2023/2024 through 2026/2027.

WHEREAS, Article XIID of the California Constitution and the Proposition 218 Omnibus Implementation Act (Government Code section 53750 and following) (collectively, “Proposition 218”), set forth certain procedures that the City must follow with respect to adopting increases in “property related fees and charges” such as solid waste handling service rates and charges; and

WHEREAS, pursuant to California Government Code 53756, an agency providing solid waste handling services may adopt a schedule of fees or charges authorizing automatic adjustments that pass through increases for adjustments for inflation, if it complies with all of the following: (1) The agency adopts the schedule of fees or charges for a property-related service for a period not to exceed five (5) years pursuant to California Government Code Section 53755; (2) The schedule of fees or charges may include a schedule of adjustments, including a clearly defined formula for adjusting for inflation, and any inflation adjustment to a fee or charge for a property-related service shall not exceed the cost of providing that service; and (3) Notice of any adjustment pursuant to the schedule shall be given pursuant to California

1 Government Code Section 53755(a), not less than thirty (30) days before the effective date of
2 the adjustment; and

3 **WHEREAS**, prior to adopting solid waste handling service rates for fiscal years
4 2023/2024 through 2026/2027, and in accordance with Proposition 218, the City shall provide
5 notice of a public hearing ("Public Hearing") to consider the proposed solid waste handling
6 service rates, which will be mailed to all record owners of affected property at least forty-five
7 (45) days prior to such Public Hearing, describing (a) the amount of the fee or charge to be
8 imposed upon each affected parcel, (b) the basis upon which the amount of the proposed fee
9 or charge was calculated, (c) the reason for the fee or charge, and (d) the date, time, and
10 location of the Public Hearing on the proposed fee or charge ("Proposition 218 Notice"); and

11 **WHEREAS**, Burrtec mailed notices of the Public Hearing to all record owners in
12 accordance with Proposition 218; and

13 **WHEREAS**, the proposed rate increases are necessary to meet current and projected
14 future costs for solid waste, recyclable, and organic materials collection services; and

15 **WHEREAS**, June 27, 2023, a Public Hearing was held to present information to the City
16 Council and public and provide an opportunity to consider the proposed increase to solid waste
17 handling service rates for fiscal years 2023/2024 through 2026/2027; and

18 **WHEREAS**, a public hearing was held in accordance with the requirements of
19 Proposition 218, the City did not receive protests from a majority of the parcels receiving solid
20 waste collection services, and per Proposition 218, the City may proceed with the proposed
21 rate adjustment; and.

22 **WHEREAS**, the City Council's action is not a project pursuant to CEQA Guidelines
23 section 15378(b)(4) because the City is authorizing maximum rates for solid waste collection
24 to be charged to fund on-going solid waste collection services by Burrtec, and as such, the
25 action involves a funding mechanism or fiscal activity within the meaning of the CEQA
26 Guidelines; and

27 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO DOES HEREBY**
28 **FIND, DETERMINE, AND RESOLVE AS FOLLOWS:**

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Section 1: The above recitals are true and correct.

Section 2: The City Council authorizes the solid waste rates set forth in Exhibit A of this Resolution. The solid waste rates for fiscal year 2023/2024 will be effective as of July 1, 2023.

Section 3. Repeal of Existing Solid Waste Rates. The solid waste rates established under this Resolution supersede all solid waste rates covering the same services adopted under any prior resolution and such solid waste rates are hereby repealed.

Section 4. Effective Date. This Resolution will take effect upon adoption.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

1 **PASSED, APPROVED, AND ADOPTED** this June 27, 2023.

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DEBORAH ROBERTSON, Mayor

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6 ATTEST:

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BARBARA A. McGEE, City Clerk

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12 APPROVED AS TO FORM:

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ERIC S. VAIL., City Attorney

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1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF RIALTO**)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Resolution No _____ was duly passed and adopted at a regular meeting of the City
6 Council of the City of Rialto held on the 27th day of June 2023.

7 Upon motion of Council Member _____, seconded by Council Member
8 _____, the foregoing Resolution No. _____ was duly passed and adopted.

9 Vote on the motion:

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11 AYES:

12 NOES:

13 ABSENT:

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15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City
16 of Rialto this ____ day of _____, 2023.

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19 BARBARA A. McGEE, CITY CLERK
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