A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, DECLARING ITS INTENTION TO SET A PUBLIC HEARING FOR JUNE 11, 2019, TO CONSIDER MUNICIPAL SOLID WASTE COLLECTION, RECYCLING AND DISPOSAL SERVICE RATES FOR FISCAL YEAR 2019/2020 THROUGH 2021/2022.

RESOLUTION NO.

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 waste within the City; and

WHEREAS, the franchise agreement allows the franchise hauler to request rate adjustments based on changes in the Consumer Price Index (CPI) and changes in operating costs, such as landfill tipping fees;

WHEREAS, on October 5, 2011, Assembly Bill 341, (hereinafter "AB 341"), was approved by the Governor of the State of California, and declared that that it is the policy goal of the state of California that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020, (hereinafter the "legislative goal"); and

WHEREAS, AB 341 amended the California Public Resources Code to require mandatory commercial recycling throughout California beginning July 1, 2012, applicable to any public or private business generating four cubic yards or more of commercial solid waste per week, or for any multi-family residential dwelling of five units or more; and

WHEREAS, AB 341 imposes an obligation on the City to implement mandatory commercial recycling to applicable businesses or multi-family residential dwellings through education, outreach and monitoring of the level of commercial recycling initiated by those businesses and multi-family residential dwellings subject to AB 341; and

WHEREAS, pursuant to AB 341, as of February 1, 2019, there were 580 businesses and 104 multi-family residential dwellings located within the City to which mandatory commercial recycling was imposed, (hereinafter the "mandatory commercial accounts"); and

WHEREAS, pursuant to AB 341, since July 1, 2012, Burrtec has implemented an education, outreach, and monitoring program of the mandatory commercial accounts; and

WHEREAS, as a result of Burrtec's AB 341 education, outreach, and monitoring program, 387 of the 580 businesses and 53 of the 104 multi-family residential dwellings of the mandatory commercial accounts have opened recycling accounts; and

WHEREAS, on October 2014 Governor Brown signed <u>AB 1826 Chesbro (Chapter</u> <u>727, Statutes of 2014)</u>, which required mandatory commercial organics recycling throughout the State; and

WHEREAS, starting April 1, 2016, this act required businesses that generate more than 8 cubic yards of organic waste per week to arrange for recycling services for their organic waste.

WHEREAS, on January 1, 2017, the state lowered the threshold to include businesses that generate 4 cubic yards of organic waste per week.

WHEREAS, starting January 1, 2019, the new threshold included all businesses that generate 4 cubic yards of solid waste per week.

WHEREAS, the City Council has adopted Goal 2-34 as part of its 2010 General Plan,
that states: Goal 2-34: Achieve waste recycling levels that meet or exceed State
mandates. Achieve maximum waste recycling in all sectors of the community:
residential, commercial, industrial, institutional, and construction; and

WHEREAS, accordingly, it is the intent of the City Council to initiate by this Resolution the establishment of increased rates for commercial refuse collection services that include the commercial recycling and commercial organics recycling fee components that incentivizes recycling programs by the mandatory commercial accounts, whereby those mandatory commercial accounts that initiate recycling programs will realize a reduced overall cost for refuse collection services; and

WHEREAS, it is the intent of the City Council to establish fees or charges for refuse collection services in the City for a period of 3 years, pursuant to California Government

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Code Section 53755, for Fiscal Year 2019/2020 through 2021/2022 commencing July 1, 2019, through June 30, 2022, incorporating adjustments for inflation as established by the Consumer Price Index increase of the twelve month average of the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Indexes Pacific Cities and U.S. City Average for Los Angeles-Riverside-Orange Counties CPI, and San Bernardino County disposal fees, as further identified in **Exhibit "A"** to this Resolution.

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

Section 1: The above recitals are true and correct.

10 Section 2: The City Council hereby declares its intention to provide and collect charges 11 and fees for municipal solid waste collection, recycling and disposal services provided to all record owners within the City, described in Section 6 of this Resolution, for Fiscal Years 12 2019/2020 through 2021/2022. 13

14 Section 6: The services within the City include but are not limited to: 1) trash collection 15 and disposal; 2) yard waste and organic waste collection and processing; 3) recyclable 16 materials collection and processing; 4) bulky item collection and disposal; and 5) pavement 17 rehabilitation, repairs and maintenance to address pavement deterioration caused by refuse 18 vehicles.

19 Section 7: The City Council hereby declares its intention to conduct a Public Hearing 20 concerning municipal solid waste collection, recycling and disposal services for Fiscal Year 21 2019/2020 through 2021/2022, in accordance with Section 6 of Article 13D of the California 22 Constitution; and, notice is hereby given that a Public Hearing on these matters will be held 23 by the City Council on Tuesday, June 11, 2019 at 6:00 P.M., or as soon thereafter as feasible, in the City Council Chambers located at 150 South Palm Avenue, Rialto, California. 24 25 At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be 26 heard.

27 Section 8: The City Council hereby authorizes and directs the City's franchise refuse 28 collection services provider, Burrtec Waste Industries, Inc., to provide notice to all residential

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1	1 and commercial refuse customers within the	City, not less than forty-five (45) days prior to
2	2 the Public Hearing, pursuant to California Go	vernment Code Section 53755 and Section 6 of
3	3 Article 13D of the California Constitution.	
4	4 PASSED, APPROVED, AND ADOPTED this	9th day of April, 2019.
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7	7	DEBORAH ROBERTSON, Mayor
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9	9 ATTEST:	
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12	2 BARBARA A. McGEE, City Clerk	
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1	STATE OF CALIFORNIA) COUNTY OF SAN BERNARDINO) ss	
2	CITY OF RIALTO)	
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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 Council	
6	of the City of Rialto held on the 9th day of April, 2019.	
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:	
10	AYES:	
11	NOES:	
12	ABSENT:	
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14	IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the	
15	City of Rialto this day of, 2019.	
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18	BARBARA A. McGEE, CITY CLERK	
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