

1 RESOLUTION NO. _____

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
4 RIALTO, CALIFORNIA, APPROVING MUNICIPAL SOLID
5 WASTE COLLECTION, RECYCLING AND DISPOSAL SERVICE
6 RATES FOR FISCAL YEARS 2019/2020 THROUGH 2021/2022.

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

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

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

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

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

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

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

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

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

7 **WHEREAS**, on October 2014 Governor Brown signed AB 1826 Chesbro (Chapter
8 727, Statutes of 2014), which required mandatory commercial organics recycling throughout
9 the State; and

10 **WHEREAS**, starting April 1, 2016, this act required businesses that generate more than
11 8 cubic yards of organic waste per week to arrange for recycling services for their organic
12 waste.

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

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

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

21 **WHEREAS**, on April 9, 2019, the City Council adopted Resolution No. 7491, declaring
22 its intention to set a Public Hearing for June 11, 2019, to consider municipal solid waste
23 collection, recycling and disposal service rates for Fiscal Years 2019/2020 through
24 2021/2022

25 **WHEREAS**, pursuant to Resolution No. 7491, notices were mailed to the record
26 owners of each parcel, and to all refuse collection service customers, in accordance with the
27 requirements of Proposition 218, the "Right to Vote on Taxes Act", Articles XIIC and XIID of
28 the California Constitution, and California Government Code Section 53750 et seq.; and

1 **WHEREAS**, a Public Hearing to consider the proposed increased refuse collection
2 service charges, and any protest to such rates, was held during a Public Hearing held on
3 June 11, 2019, before the City Council of the City, which meeting and Public Hearing was
4 held more than 45 days after the mailed notice of proposed increased refuse collection
5 service charges; and

6 **WHEREAS**, written protests to the proposed increased refuse collection service
7 charges have not been presented by a majority of the owners of the identified parcels in the
8 City; and

9 **WHEREAS**, the City Council deems it in the public interest to adopt fees or charges
10 for refuse collection services in the City for a period of 3 years, pursuant to California
11 Government Code Section 53755, for Fiscal Year 2019/2020 through Fiscal Year 2021/2022
12 commencing July 1, 2019, incorporating adjustments for inflation as established by the
13 Consumer Price Index increase of the twelve month average of the United States
14 Department of Labor, Bureau of Labor Statistics, Consumer Price Indexes Pacific Cities and
15 U.S. City Average for Los Angeles-Riverside-Orange Counties CPI, and San Bernardino
16 County disposal fees, as further identified in **Exhibit "A"** to this Resolution; and

17 **WHEREAS**, the increased refuse collection service charges for the City as set forth in
18 **Exhibit "A"**, attached hereto and made a part hereof, are required to cover the cost of the
19 City to provide for municipal solid waste collection, recycling and disposal services to
20 property owners within the City; and

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

23 **Section 1:** The above recitals are true and correct.

24 **Section 2:** Refuse collection service charges for municipal solid waste collection, recycling
25 and disposal services shall be increased as further identified in **Exhibit "A"**, to take effect
26 July 1, 2019 upon the adoption of this Resolution, subject to Section 3 of this Resolution; and

27 **Section 3:** Prior to implementation of increased fees identified in **Exhibit "A"** for Fiscal
28 Years 2020/2021 through 2021/2022, the City Council shall consider and ratify the

1 implementation of the rates not to exceed the amounts set forth in **Exhibit “A”** for said Fiscal
2 Years; and

3 **Section 4:** Approve an increase in estimated revenues in the amount of \$356,134.66 to
4 the AB 939 fund, Account Number 212-400-7150-7544; \$356,134.66 to the HHW fund,
5 Account No. 212-400-7150-7542; and \$1,365,171.10 in Franchise fees to the General Fund
6 Account No. 010-400-0001-7116.

7 **PASSED, APPROVED, AND ADOPTED** this 11th day of June, 2019.

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10 _____
DEBORAH ROBERTSON, Mayor

11
12 ATTEST:

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14 _____
15 BARBARA A. McGEE, City Clerk

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17
18 APPROVED AS TO FORM:

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20 _____
21 FRED GALANTE, Esq., City Attorney

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 Council
6 of the City of Rialto held on the 11th day of June, 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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17 _____
18 BARBARA A. McGEE, CITY CLERK
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