



**CITY COUNCIL
OF THE
CITY OF ATWATER**

RESOLUTION NO. 3424-23

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ATWATER FOR A PUBLIC HEARING
AND ADOPTING NEW RATES FOR SOLID
WASTE SERVICES TO BE EFFECTIVE
BEGINNING OF SEPTEMBER 1, 2023**

WHEREAS, the City Council considered a Rate Study analysis prepared by Wildan Financial Services of Temecula, California, a firm with expertise in the analysis of the municipal utility cost; and

WHEREAS, at the regular City Council meeting of June 12, 2023, Council authorized staff to provide notice of the rates under Proposition 218 without conceding the applicability of Proposition 218 to private solid waste service; and

WHEREAS, a 45-day notice of public hearing to affected customers and property owners was mailed out as required by Proposition 218; and

WHEREAS, the notice of the public hearing included information on how and where to protest the proposed increase in solid waste services and the notice was developed in the accordance with Proposition 218; and

WHEREAS, the adoption of the proposed solid waste service charges is exempt from California Environmental Quality Act (CEQA) under California Public Resources Code Section 21080(b)(8); and

WHEREAS, the Council held a public hearing on August 14, 2023, and considered all written protests and public comments regarding the proposed solid waste rates; and

WHEREAS, the Council desires to proceed with the adoption of new solid waste for a five-year period consistent with the Wildan Financial Services Study; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Atwater as follows:

1. The above recitals are true and correct.

2. The Council finds the solid waste rates are supported by an appropriate Solid Waste Rate Study which is incorporated herein by reference.
3. The Council finds that no majority protest was presented against the proposed rates for solid waste services.
4. Finds the adoption of the proposed solid waste rates is exempt from CEQA under California Public Resources Code Section 21080(b)(8).
5. Adopts the monthly rates for a five-year period to be charged for the use of solid waste services furnished by the City, enumerated in Attachment A to this Resolution which is incorporated herein by reference. The City shall provide thirty days' notice prior to any inflationary or similar pass-through increase during such time period.
6. The newly adopted rates shall be effective September 1, 2023.
7. All other resolutions in conflict herewith, are hereby repealed.
8. This resolution is effective immediately upon adoption.

The foregoing resolution is hereby adopted the 14th day of August 2023.

AYES: Cale, Button, Nelson
NOES: Ambriz
ABSENT: Raymond

APPROVED:



MIKE NELSON, MAYOR

ATTEST:


KORY J. BILLINGS, CITY CLERK



CITY OF ATWATER
NOTICE TO PROPERTY OWNERS OF PUBLIC HEARING
REGARDING PROPOSED CHANGES TO SOLID WASTE RATES

Hearing Date & Time: August 14, 2023, 6:00 PM
Hearing Location: Atwater City Hall, City Council Chambers
750 Bellevue Road, Atwater, CA 95301

Why are you receiving this notice?

The City of Atwater (City) is mailing this notice to you because you are a solid waste customer or are the owner of record of a property that receives solid waste disposal service. This notice is being provided pursuant to California Constitution Article XIII D (also known as "Proposition 218") in an abundance of caution in the interest of transparency and without conceding the applicability of Proposition 218 to privately provided solid waste service. This notice describes proposed changes to the solid waste rates and gives information about a public hearing to be held on August 14, 2023, at the City Council Chambers, 750 Bellevue Road, Atwater, CA 95301. **If adopted, the proposed rates for solid waste service will be in effect beginning September 1, 2023.**

What do solid waste rates fund?

The City contracts with Mid-Valley Disposal (MVD) to provide solid waste collection and disposal services. MVD is a local, privately owned recycling and waste management company. Solid waste rates are set in accordance with the City's agreement with MVD, and the City adds a percentage to recover the City's overhead and administrative costs and other permissible fees and charges. Monthly solid waste rates charged to customers are the primary source of revenue to provide this service and are used solely for this purpose. Solid waste rate revenue provides funding to pay for removal, processing, transfer, and disposal of solid waste, recyclables, and organic material such as food waste, as well as maintenance of reserve funds to be used in the event of unforeseen events or costs. Solid waste rates have not increased since 2018.

Why are rate changes needed?

Like most costs, those associated with solid waste increase over time. MVD has increased the rates it charges to the City in accordance with its agreement due to several factors. First, changes in the markets for recyclables have resulted in local recyclable material processors substantially increasing pricing and quality expectations. As a result, many municipal curbside recycling programs in other parts of the country have been cancelled or drastically reduced as they have become too expensive to sustain. Program cancellation is not a viable option in California due to State diversion mandates, so MVD has included provision for these increased costs in its contract with the City.

In addition, Senate Bill (SB) 1383 (short-lived climate pollutants) requires the City to implement new residential and commercial services for the collection of organic material such as food waste, which will come with considerable additional costs. To provide for the ongoing viability of current operations and fund the additional SB 1383 residential and commercial services, rate increases are necessary. Under State law SB 1383, California cities must implement universal organic waste recycling programs for all customers on or before January 1, 2022. Organic waste primarily includes landscape and green waste, food scraps, non-hazardous wood waste, and food soiled paper products. The goal of the regulations is to reduce methane emissions from landfills by diverting organic material.

How the rates are determined and how they work

The initial rate increases for solid waste collection services are proposed to become effective on September 1, 2023. Annual rate adjustments shall become effective on July 1 of each of the subsequent four years (2025 to 2028). It is proposed that solid waste rates in 2024 to 2028 will increase to keep pace with the projected cost of services provided by MVD as well as administrative costs incurred by the City.

New solid waste rates

The City is proposing to implement new solid waste rates as a series of annual adjustments starting on September 1, 2023, and then each July 1 thereafter, until July 2028. The following table summarizes the proposed solid waste rates, which will go into effect and remain in effect until superseded by Council action.

**Proposed Monthly Solid Waste Rates
September 1, 2023 – July 1, 2028**

Description	Rate Code	Existing	2024	2025	2026	2027	2028
Residential							
Residential Curb 96 Gal. Toter	GA01	\$32.11	\$38.53	\$46.24	\$48.65	\$51.19	\$53.87
Sr. Citizen/HC Curb 96 Toter	GA02	\$29.00	\$36.62	\$46.24	\$48.65	\$51.19	\$53.87
Sr. Citizen/ HC Bkyd 96 Toter	GA03	\$36.26	\$40.95	\$46.24	\$48.65	\$51.19	\$53.87
Residential Curb 64 Gal. Toter	GA04	\$30.14	\$36.60	\$44.46	\$46.78	\$49.22	\$51.80
Sr. Citizen/ HC Curb 64 Gal. Toter	GA05	\$27.03	\$34.66	\$44.46	\$46.78	\$49.22	\$51.80
Sr. Citizen/ HC Bkyd 64 Gal. Toter	GA06	\$33.96	\$38.85	\$44.46	\$46.78	\$49.22	\$51.80
Residential Curb Extra 96 Gal. Toter	GA07	\$23.92	\$22.49	\$21.15	\$22.30	\$23.52	\$24.82
Commercial							
Commercial-Curb 96 Gal. Toter	GA20	\$24.48	\$36.45	\$54.26	\$57.07	\$60.03	\$63.15
BFI Bin (1 yd)-1 pick-up	GB11	\$56.82	\$82.35	\$119.36	\$125.43	\$131.81	\$138.52
BFI Bin (1yd)-2 pick-ups	GB12	\$90.11	\$130.80	\$189.87	\$199.46	\$209.54	\$220.14
BFI Bin (1yd)-3 pick-ups	GB13	\$123.43	\$179.28	\$260.39	\$273.51	\$287.29	\$301.77
BFI Bin (1yd)-4 pick-ups	GB14	\$0.00	\$315.25	\$330.91	\$347.55	\$365.03	\$383.40
BFI Bin (1yd)-5 pick-ups	GB15	\$189.99	\$276.16	\$401.42	\$421.59	\$442.78	\$465.04
BFI Bin (3yd)-1 pick-up	GB31	\$127.35	\$174.35	\$238.69	\$250.73	\$263.37	\$276.66
BFI Bin (3yd)-2 pick-ups	GB32	\$227.25	\$302.03	\$401.42	\$421.59	\$442.78	\$465.04
BFI Bin (3yd)-3 pick-ups	GB33	\$327.17	\$429.62	\$564.15	\$592.46	\$622.19	\$653.42
BFI Bin (3yd)-4 pick-ups	GB34	\$0.00	\$692.37	\$726.88	\$763.32	\$801.60	\$841.80
BFI Bin (3yd)- 5 pick-ups	GB35	\$526.98	\$684.69	\$889.61	\$934.19	\$981.01	\$1,030.17
BFI Bin (5 yd)-1 pick-up	GB51	\$0.00	\$377.24	\$396.00	\$415.89	\$436.80	\$458.75
Shared BFI Bin (5yd)-Las Casitas	GB53	\$66.86	\$237.95	\$846.81	\$889.25	\$933.82	\$980.63
BFI Bin (6yd)-1 pick-up	GB61	\$239.00	\$307.64	\$396.00	\$415.89	\$436.80	\$458.75
BFI Bin (6yd)- 2 pick-ups	GB62	\$438.82	\$526.23	\$631.05	\$662.70	\$695.94	\$730.86
BFI Bin (6yd)- 3 pick-ups	GB63	\$638.64	\$735.40	\$846.81	\$889.25	\$933.82	\$980.63
BFI Bin (6yd)- 4 pick-ups	GB64	\$838.46	\$916.74	\$1,002.32	\$1,052.53	\$1,105.27	\$1,160.65
BFI Bin (6yd)- 5 pick-ups	GB65	\$1,038.28	\$1,083.79	\$1,131.29	\$1,187.95	\$1,247.46	\$1,309.95
Cannery Extra Pickup-SunGarden Gangi	GB80	\$266.43	\$324.82	\$396.00	\$415.89	\$436.80	\$458.75
BFI Bin (8yd)-1 pick-up	GB81	\$309.52	\$350.10	\$396.00	\$415.89	\$436.80	\$458.75
BFI Bin (8yd)-2 pick-ups	GB82	\$575.95	\$602.87	\$631.05	\$662.70	\$695.94	\$730.86
Owned Bin (1yd)-1 pick-up	GO11	\$33.31	\$63.06	\$119.36	\$125.43	\$131.81	\$138.52
Owned Bin (1yd)-2 pick-ups	GO12	\$66.61	\$112.46	\$189.87	\$199.46	\$209.54	\$220.14
Owned Bin (2yd)-1 pick-up	GO21	\$66.61	\$110.84	\$184.45	\$193.77	\$203.57	\$213.86
Owned Bin (2yd)-2 pick-ups	GO22	\$133.21	\$204.72	\$314.63	\$330.46	\$347.09	\$364.56
Owned Bin (3yd)-1 pick-up	GO31	\$99.92	\$154.44	\$238.69	\$250.73	\$263.37	\$276.66
Owned Bin (3yd)-2 pick-ups	GO32	\$199.82	\$283.22	\$401.42	\$421.59	\$442.78	\$465.04
Owned Bin (3yd)-3 pick-ups	GO33	\$299.74	\$411.22	\$564.15	\$592.46	\$622.19	\$653.42
Owned Bin (4yd)-1 pick-up	GO41	\$133.21	\$195.70	\$287.51	\$301.98	\$317.19	\$333.17
Owned Bin (4yd)-2 pick-ups	GO42	\$266.43	\$344.49	\$445.42	\$467.79	\$491.28	\$515.97
Owned Bin (4yd)-5 pick-ups	GO45	\$666.06	\$787.04	\$929.99	\$976.59	\$1,025.53	\$1,076.92
Owned Bin (5yd)-1 pick-up	GO51	\$166.53	\$256.80	\$396.00	\$415.89	\$436.80	\$458.75
Owned Bin (5yd)-2 pick-ups	GO52	\$333.03	\$458.43	\$631.05	\$662.70	\$695.94	\$730.86
Owned Bin (5yd)-3 pick-ups	GO53	\$499.56	\$650.41	\$846.81	\$889.25	\$933.82	\$980.63
Shared BFI Bin (3yd)-722-730 Cedar	GO55	\$832.59	\$970.52	\$1,131.29	\$1,187.95	\$1,247.46	\$1,309.95
Shared BFI Bin (3yd)-2248-2260 Olive	GO62	\$399.64	\$502.19	\$631.05	\$662.70	\$695.94	\$730.86
Shared BFI Bin(6YD)-2850-74 Determine	GO65	\$999.10	\$1,063.14	\$1,131.29	\$1,187.95	\$1,247.46	\$1,309.95
Temporary Container Delivery	GO82	\$532.85	\$579.87	\$631.05	\$662.70	\$695.94	\$730.86
Temporary Container Disposal	GO83	\$799.28	\$822.70	\$846.81	\$889.25	\$933.82	\$980.63
Shared Owner Bin-Park Manor (O32X2&O42)	GS31	\$63.66	\$123.27	\$238.69	\$250.73	\$263.37	\$276.66

How do you file a protest or participate in the public hearing?

The City will consider new solid waste rates at a Public Hearing on Monday, August 14, 2023, at 6:00 p.m. at the Atwater City Council Chambers, 750 Bellevue Road, Atwater, CA 95301. You are invited to present oral or written testimony at the Public Hearing. ***Any owner or customer of record of a parcel subject to the proposed rates, or tenant directly liable for payment of the solid waste rates, may submit a written protest against the proposed rate revisions. If written protests are filed for a majority of the affected parcels, the proposed rate revisions will not be adopted.***

In order for a written protest to be counted, it must include the following: a statement indicating that the identified property owner or customer of record is in opposition to the proposed solid waste rate changes; the street address or Assessor's Parcel Number (APN) for the parcel(s) with respect to which the protest is made; and the name and signature of the owner or customer.

Protests may be mailed or hand delivered to the City Clerk at 750 Bellevue Road, Atwater, CA 95301 prior to 4:00 p.m. on August 14, 2023, or hand delivered to the City Clerk at the Public Hearing on August 14, 2023. To be counted, a signed written protest must be received by the City Clerk before the conclusion of the Public Hearing. Protests submitted via e-mail or other electronic means will not be accepted. Please identify on the front of the envelope for any written protest, whether mailed or submitted in person to the City Clerk, that the enclosed protest is for the Public Hearing on the Proposed Rate Changes – Solid Waste.

The City Council will hear and consider all written and oral protests related to the proposed rate changes at the Public Hearing. Oral comments at the Public Hearing will not qualify as formal protests unless accompanied by a written protest. Upon the conclusion of the Public Hearing, there will be no more written protests accepted and no more testimony taken, and the City Council will consider adoption of the proposed rates for solid waste described in this notice. If written protests, as outlined above, are not presented by a majority of property owners or customers of record, the City Council will be authorized to adopt the proposed rates. While both property owners and tenants or customers of record may submit written protests, only one protest will be counted for each parcel. If adopted, the rates for solid waste will be in effect beginning **September 1, 2023**.