



NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING BY THE CITY COUNCIL OF THE CITY OF SAN DIMAS
REGARDING THE CITY'S RESIDENTIAL AND COMMERCIAL SOLID WASTE REFUSE
COLLECTION CHARGES AND NEW RATES**

DATED: September 12, 2023

DEAR BUSINESS, RESIDENT/PROPERTY OWNER

NOTICE IS HEREBY GIVEN that the City Council (City Council) of the City of San Dimas (City) will hold a public hearing to consider a proposed rate adjustment for the residential and commercial refuse collection services and disposal fees charged to residential and commercial customers for solid waste, recycling, and organics collection and disposal services. Said public hearing will be held at a regular meeting of the San Dimas City Council as follows:

DATE: November 14, 2023

TIME: 7:00 p.m.

PLACE: San Dimas City Hall Council Chamber
245 East Bonita Avenue, San Dimas, CA 91773

If approved by the City Council, the proposed initial rate adjustments will go into effect on January 1, 2024.

INFORMATION ABOUT THE CHARGES

A. **Background:** The City Council has previously determined the collection and disposal of refuse in the City is a service to be performed by a private company, under an exclusive franchise agreement. The exclusive franchise agreement with USA Waste of California, Inc. Waste Management was approved by the City Council on October 31, 2017, as thereafter amended (the "Franchise Agreement"). The maximum rates for solid waste collection services for calendar year 2024, to be approved at the public hearing on November 14, 2023, include charges for weekly residential service based on the size of cart requested, commercial service based on size of containers and frequency of service, as well as special charges for specific services including bin rental and other ancillary services.

B. **Basis upon which the charges were calculated:** Refuse service rates were negotiated between the City and Waste Management for solid waste collection services as part of the Franchise Agreement, which includes the maximum amount that may be charged to ratepayers for refuse services and procedures for such rates. The rates compensate Waste Management for the costs of providing refuse collection and recycling services, including all labor, equipment, material, supplies, supervision and all other items necessary to perform the work and provide the services described in the Franchise Agreement.

The proposed maximum rates included in Exhibit "A" hereto are the actual rates that may be charged to customers beginning January 1, 2024, unless there is a 50% plus one protest against such proposed rates. The rates are based upon two components: the "Service Component" and the "Disposal Component". Each is defined as follows:

- 1) The "Service Component" which consists of Waste Management's operational costs to provide service (e.g. trucks, fuel, facilities, labor, etc., and is adjusted by Consumer Price Index (CPI));
- 2) The "Disposal Component," which is based on landfill and disposal costs (including organics compliance under new State laws);

The Service Component comprises 75% of the overall rates. The Service Component is adjusted annually by the Consumer Price Index for All Items in (CUURS49ASAO, CUUSS49ASAO), Los Angeles – Long Beach – Anaheim, CA, not seasonally adjusted, as published by the United States Department of Labor, Bureau of Labor Statistics ("CPI"). The CPI used is the average of changes in CPI between each month from August of the previous year (e.g., 2022) to July of the current year (e.g., 2023), and each such annual period thereafter. However, the Franchise Agreement further reads that the annual Service Component shall not exceed a 5% CPI increase for any given annual period, nor decrease below 0%. Any excess above the 5% cap shall be rolled over and applied to subsequent annual maximum adjustments upon the Service Component until fully utilized.

The Disposal Component is 25% of the overall rates. The Disposal Component is adjusted annually by the percentage change of disposal or tipping fees. This percentage is based on the percentage of City-generated materials disposed of by Waste Management at each disposal facility or landfill used, and thus such percentage may fluctuate annually.

Under Article XIII D of the California Constitution (Proposition 218), the annual Service Component adjustments (CPI) and Disposal Component adjustments (percentage change in disposal costs) described above are only authorized for a maximum period of five (5) years, commencing January 1, 2024 through December 31, 2029, unless a further public hearing and Proposition 218 notice and protest process is held before the City Council.

Further, should any overall increase in any year exceed 5%, a further public hearing and Proposition 218 notice and protest process will be held before the City Council.

C. **Reason for the charges.** The maximum rates for solid waste collection and recycling services are for the operation and administration of the refuse disposal and recycling programs to be implemented by Waste Management in accordance with the Franchise Agreement and developments in State law, as well as to cover certain governmental and franchise fees, and disposal charges incurred by Waste Management. The primary reasons for the proposed new rate structure pertain to regular inflationary cost increases and changes. As described above, annual rate adjustments over a five-year period are primarily designed to offset Waste Management's regular costs of inflation each year.

ABILITY TO PROTEST

Owners and occupants of real property subject to the Waste Management rate structure in the City of San Dimas who wish to protest the proposed new rates can submit a written protest to the City Clerk at the address below and/or attend the public hearing on the proposal to register their written protest at the hearing. Only one written protest per residential or commercial parcel in the City's service area (i.e. address/assessor parcel number) will be counted. Written protests must be actually received by the City Clerk, whether by mail or in-person delivery, prior to or during the public hearing on November 14, 2023. Any written protests received following the close of the public hearing will not be counted.

All written protests must, at a minimum, include the following information to be counted: (a) address or assessor parcel numbers of property subject to the new rates, (b) printed name and signature of the protester and whether the protester is a property owner or service account holder, and (c) a clear statement protesting the rates proposed in this Notice. Written protests by electronic mail (email) or fax will not be accepted.

The protest hearing is being conducted in accordance with Proposition 218. The City Council will not implement the new rates and fees if the City receives a majority (50% plus one) of written protests against the proposed rates and fees from applicable parcels in the City's service area.

Persons wishing to protest must submit (in-person or by mail) their protest to the City of San Dimas, Attention City Clerk at 245 E. Bonita Ave., San Dimas, CA, 91773.

Any additional information on the proposed fee structure may be obtained by contacting Lauren Marshall, Senior Management Analyst at (909) 394-6242 or lmarshall@sandimasca.gov. Additional information and a copy of this Notice is also available on the City of San Dimas website at <https://www.sandimasca.gov/>.

If you challenge this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this Public Hearing Notice, or in written correspondence delivered to the City Clerk at, or prior to, the Public Hearing.

DATED: September 12, 2023

City of San Dimas Proposed Residential Rates				
	Monthly Rate 2023	Increase CPI+ Disposal	Monthly Rate 2024	Monthly increase percent
Minimum Curbside Collection - 35 Gallon (1)	\$ 31.53	\$ 1.48	\$ 33.01	4.70%
Standard Curbside Collection - 64 Gallon (1)	\$ 36.50	\$ 1.72	\$ 38.22	4.70%
Oversize Curbside Collection - 96 Gallon (1)	\$ 41.50	\$ 1.95	\$ 43.45	4.70%
Senior Minimum Curbside Collection - 35 Gallon (1) (2)	\$ 22.49	\$ 1.06	\$ 23.55	4.70%
Senior Standard Curbside Collection - 64 Gallon (1) (2)	\$ 25.97	\$ 1.22	\$ 27.19	4.70%
Senior Oversize Curbside Collection - 96 Gallon (1) (2)	\$ 29.48	\$ 1.39	\$ 30.87	4.70%
Additional 35 gallon Mechanized Solid Waste Container (3)	\$ 10.51	\$ 0.49	\$ 11.00	4.70%
Additional 64 gallon Mechanized Solid Waste Container (3)	\$ 12.26	\$ 0.58	\$ 12.84	4.70%
Additional 96 gallon Mechanized Solid Waste Container (3)	\$ 14.01	\$ 0.66	\$ 14.67	4.70%
Additional 96 gallon Recycle Containers (in excess of two)	\$ 5.00	\$ 0.24	\$ 5.24	4.70%
Additional 96 gallon Organics Waste Containers*	\$ 7.00	\$ 7.00	\$ 14.00	100.0%
Container Size Exchange (after first 60 days)	\$ 30.29	\$ 1.42	\$ 31.71	4.70%
Bulky Goods Collection (4)	\$ 50.45	\$ 2.37	\$ 52.82	4.70%
Residential Extra Pick Up - Per Trip	\$ 40.37	\$ 1.90	\$ 42.27	4.70%
Back yard Service - in addition to standard rate	\$ 15.61	\$ 0.73	\$ 16.34	4.70%
Reactivation Fee - reinstatement of account cancelled for non payment	\$ 47.51	\$ 2.23	\$ 49.74	4.70%
Contamination/Overage Fee (after 2nd occurrence)	\$ 20.00	\$ 0.00	\$ 20.00	0.00%
Footnotes:				
(1) Includes MSW cart size specified and one 96-gallon recycle cart and one 96-gallon organics cart. Service established prior to January 1, 2018 includes one 64-gallon recycle cart and one 96-gallon organics cart.				
(2) Customers age 65 and over with proof of age				
(3) Additional solid waste containers available only to residences using the 96-gallon size for solid waste				
(4) Charged after six free pick-ups				

CITY OF SAN DIMAS COMMERCIAL and INDUSTRIAL RATES EFFECTIVE JANUARY 1, 2023						
Bin Size	1X	2x	3X	4X	5X	6X
1.5 Yard Bin	\$157.21	\$264.38	\$357.40	\$471.03	\$561.00	\$693.55
Each Addl Bin	\$104.93	\$166.66	\$205.53	\$269.62	\$331.34	\$393.09
Extra Pick Up	\$93.63					
2 Yard Bin	\$173.97	\$293.33	\$381.03	\$500.44	\$622.15	\$741.60
Each Addl Bin	\$121.72	\$195.69	\$244.12	\$316.35	\$388.01	\$464.23
Extra Pick Up	\$103.62					
3 Yard Bin	\$210.75	\$353.74	\$454.45	\$598.36	\$742.24	\$885.90
Each Addl Bin	\$159.83	\$256.03	\$315.80	\$416.51	\$512.66	\$611.09
Extra Pick Up	\$125.52					
4 Yard Bin	\$247.94	\$414.07	\$525.62	\$673.75	\$862.39	\$1,030.76
Each Addl Bin	\$193.42	\$316.35	\$389.21	\$489.65	\$632.77	\$755.69
Extra Pick Up	\$141.67					
6 Yard Bin	\$326.44	\$539.29	\$679.30	\$896.63	\$1,111.70	\$1,326.77
Each Addl Bin	\$274.17	\$441.53	\$538.30	\$711.51	\$879.83	\$1,049.44
Extra Pick Up	\$194.43					

CITY OF SAN DIMAS COMMERCIAL and INDUSTRIAL RATES EFFECTIVE JANUARY 1, 2024 (New rates reflect a 4.70% cost increase)						
Bin Size	1X	2x	3X	4X	5X	6X
1.5 Yard Bin	\$164.60	\$276.81	\$374.20	\$493.17	\$587.37	\$726.15
Each Addl Bin	\$109.86	\$174.49	\$215.19	\$282.29	\$346.91	\$411.57
Extra Pick Up	\$98.03					
2 Yard Bin	\$182.15	\$307.12	\$398.94	\$523.96	\$651.39	\$776.46
Each Addl Bin	\$127.44	\$204.89	\$255.59	\$331.22	\$406.25	\$486.05
Extra Pick Up	\$108.49					
3 Yard Bin	\$220.66	\$370.37	\$475.81	\$626.48	\$777.13	\$927.54
Each Addl Bin	\$167.34	\$268.06	\$330.64	\$436.09	\$536.76	\$639.81
Extra Pick Up	\$131.42					
4 Yard Bin	\$259.59	\$433.53	\$550.32	\$705.42	\$902.92	\$1,079.21
Each Addl Bin	\$202.51	\$331.22	\$407.50	\$512.66	\$662.51	\$791.21
Extra Pick Up	\$154.61					
6 Yard Bin	\$341.78	\$564.64	\$711.23	\$938.77	\$1,163.95	\$1,389.13
Each Addl Bin	\$287.06	\$462.28	\$563.60	\$744.95	\$921.18	\$1,098.76
Extra Pick Up	\$203.57					

Commercial Recycling Rates 2023					
Bin Size	1X	2X	3X	4X	5X
1.5 Yard Bin	\$90.51	\$158.99	\$231.52	\$300.00	\$368.49
Extra Pick Up	\$53.91				
2 Yard Bin	\$94.10	\$161.90	\$241.80	\$309.59	\$377.39
Extra Pick Up	\$56.05				
3 Yard Bin	\$96.56	\$176.83	\$257.12	\$337.39	\$417.66
Extra Pick Up	\$57.51				
4 Yard Bin	\$105.04	\$187.72	\$272.48	\$355.16	\$437.85
Extra Pick Up	\$62.56				
6 Yard Bin	\$119.75	\$215.66	\$307.22	\$403.13	\$499.05
Extra Pick Up	\$71.32				
64 Gal Cart (per cart)	\$34.85	\$61.23	\$89.16	\$115.53	\$141.91
Extra Pick Up	\$20.76				
96 Gal Cart (per cart)	\$39.86	\$70.02	\$101.96	\$132.12	\$162.29
Extra Pick Up	\$23.74				

Commercial Recycling Rates 2024 (New rates reflect a 4.70% cost increase)					
Bin Size	1X	2X	3X	4X	5X
1.5 Yard Bin	\$94.76	\$166.46	\$242.40	\$314.10	\$385.81
Extra Pick Up	\$56.44				
2 Yard Bin	\$98.52	\$169.51	\$253.17	\$324.14	\$395.13
Extra Pick Up	\$58.68				
3 Yard Bin	\$101.10	\$185.14	\$269.21	\$353.25	\$437.29
Extra Pick Up	\$60.21				
4 Yard Bin	\$109.98	\$196.54	\$285.29	\$371.85	\$458.43
Extra Pick Up	\$65.50				
6 Yard Bin	\$125.38	\$225.80	\$321.66	\$422.08	\$522.51
Extra Pick Up	\$74.67				
64 Gal Cart (per cart)	\$36.49	\$64.11	\$93.35	\$120.96	\$148.58
Extra Pick Up	\$21.74				
96 Gal Cart (per cart)	\$41.73	\$73.31	\$106.75	\$138.33	\$169.92
Extra Pick Up	\$24.86				

Organics Service Rates 2023						
Bin Size	1X	2X	3X	4X	5X	6X
64-Gallon	\$81.66	\$163.32	\$244.97	\$326.63	\$408.28	\$489.93
2 Yard Bin	\$390.69	\$781.40	\$1,172.08	\$1,562.80	\$1,953.51	\$2,344.19

Organics Service Rates 2024 (New rates reflect a 4.70% cost increase)						
Bin Size	1X	2X	3X	4X	5X	6X
64-Gallon	\$85.50	\$171.00	\$256.48	\$341.98	\$427.47	\$512.96
2 Yard Bin	\$409.05	\$818.13	\$1,227.17	\$1,636.25	\$2,045.33	\$2,454.37

Trash/Recycle Split Bin Service Rates 2023						
Bin Size	1X	2X	3X	4X	5X	6X
3 Yard Bin	\$153.65	\$265.28	\$355.79	\$467.88	\$579.95	N/A

Trash/Recycle Split Bin Service Rates 2024 (New rates reflect a 4.70% cost increase)						
Bin Size	1X	2X	3X	4X	5X	6X
3 Yard Bin	\$160.88	\$277.75	\$372.51	\$489.87	\$607.21	N/A

Trash/Organics Split Bin Pilot Program Service Rates 2023						
Bin Size	1X	2X	3X	4X	5X	6X
3 Yard Bin	\$511.43	\$976.18	N/A	N/A	N/A	N/A

Trash/Organics Split Bin Pilot Program Service Rates 2024 (New rates reflect a 4.70% cost increase)						
Bin Size	1X	2X	3X	4X	5X	6X
3 Yard Bin	\$535.47	\$1,022.06	N/A	N/A	N/A	N/A

Additional Services 2023:	
Roll off - MSW (includes delivery and 5 tons)	\$862.55
Price per ton above 5 tons	\$69.56
Roll off - C&D (includes delivery and 5 tons)	\$992.13
Roll off disposal rate for C & D (per ton)	\$95.47
Insta Bin	\$198.99
Compactor Rate - includes 5 tons / roll off rate +	\$1,063.27
Front Load Compactor - Bin Rate X 2.5	
Locking Lid Fee	\$14.19
Replacement Lock	\$38.60
Replacement Key	\$7.74
Valet per container per day	\$22.36
Overage/Contamination Charge-after 2nd Warning Per Occurrence	\$63.41
Reactivation Fee - reinstate for cancellation for non payment	\$47.51

Additional Services 2024 (New rates reflect a 4.70% cost increase)	
Roll off - MSW (includes delivery and 5 tons)	\$903.09
Price per ton above 5 tons	\$72.83
Roll off - C&D (includes delivery and 5 tons)	\$1,038.76
Roll off disposal rate for C & D (per ton)	\$99.96
Insta Bin	\$208.34
Compactor Rate - includes 5 tons / roll off rate +	\$1,113.24
Front Load Compactor - Bin Rate X 2.5	
Locking Lid Fee	\$14.86
Replacement Lock	\$40.41
Replacement Key	\$8.10
Valet per container per day	\$23.41
Overage/Contamination Charge-after 2nd Warning Per Occurrence	\$66.39
Reactivation Fee - reinstate for cancellation for non payment	\$49.74

- (1) Rate increases that exceed the maximum rates above will require a new majority protest hearing process pursuant to California Proposition 218, Cal. Const. Article XIII D, Section 6(a). Otherwise, annual adjustments shall be based on the actual CPI-U, as defined by the CPI-U Index cited in this Notice. Thus, actual rates may be lower than those identified above if the actual CPI-U escalation is lower than the maximums above.
- (2) Not all rates identified above constitute "property-related fees" subject to the majority protest process under Proposition 218. The City has nonetheless provided a full schedule of all fees in furtherance of public transparency.