



NOTICE OF MAJORITY PROTEST PUBLIC HEARING TO CONSIDER AND APPROVE A PROPOSED INCREASE IN RESIDENTIAL SOLID WASTE COLLECTION RATES

Hearing Date: August 8, 2022

Hearing Time: 6:00 p.m.

Hearing Location:
Pursuant to AB 361,
This Majority Protest Public Hearing
Will be Conducted Virtually Via Zoom

THIS NOTICE SUPERSEDES ALL PRIOR NOTICES

NOTICE IS HEREBY GIVEN that on **Monday August 8, 2022 at 6:00 p.m.**, virtually by Zoom Pursuant to AB 361, the City Council of the City of Bell Gardens (the "City") will hold a public hearing to consider the adoption of a resolution increasing the City's residential solid waste collection rate with a proposed effective date of September 1, 2022. State law prescribes a procedure for any such adjustments under Section 6 of Article XIID of the California State Constitution and the Proposition 218 Omnibus Implementation Act (Government Code section 53750 et seq.) (collectively "Proposition 218"). Solid waste and recycling collection fees for residential properties can be considered "Property Related" fees under Proposition 218 because in Bell Gardens, fees for solid waste collection services paid by residential customers are collected via the property tax roll. Consistent with Proposition 218, this notice has been mailed to all property owners served by the City's solid waste contractor.

BASIS FOR RATE INCREASE: The proposed rate increase effective September 1, 2022 is based on the City's Solid Waste, Recyclable, and Green Waste Materials Processing and Disposal Agreement with Arakelian Enterprises, Inc., dba Athens Services (Franchise Agreement). The Franchise Agreement allows for increases to solid waste collection rates each July 1st in proportion to the increase or decrease in the cost of living as determined by the percentage change in the Consumer Price Index (CPI) for All Urban Consumers, Not Seasonally Adjusted, in the Los Angeles-Long Beach-Anaheim, CA area for the most recent twelve (12) month period available at the time required by the Franchise Agreement for submission by Athens Services for a rate adjustment request. For the regular rate adjustment for FY 2022-2023 the available twelve (12) month period was ending on November 30, 2021. In addition to the CPI adjustment, the Franchise Agreement includes an additional one-percent (1%) allowable increase per year. The monthly residential rate for FY 2022-23 with the CPI adjustment is \$33.17 which will go into effect July 1, 2022. The City may provide administrative approval of this rate adjustment without a Proposition 218 process.

NEW REQUIREMENTS – SB 1383

In 2016, Governor Brown signed Senate Bill 1383 (SB 1383) which establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, including methane produced from the landfilling of organic waste. SB 1383 establishes targets to achieve a 50% reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020, a 75% reduction by 2025, and that 20% of currently disposed edible food is recovered for human consumption by 2025. SB 1383 includes specific solid waste, recycling, and organic collection, processing, transfer, and disposal requirements, contamination monitoring, reporting requirements, public education requirements, and food recovery assistance.

On June 13, 2022, the City Council approved the third (3rd) amendment to the Franchise Agreement to include the requirements of SB 1383 as they relate to residential services to be provided by the Athens Services. The added services to be provided effective September 1, 2022, will include separate organic waste collection

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processing; container contamination monitoring; container labeling; public education and outreach; recovered organic waste procurement; compliance with SB 1383 processing facility requirements, and recordkeeping and reporting. These SB 1383 requirements must be implemented by September 30, 2022, in order for the City to avoid CalRecycle penalties.

COST INCREASE RELATED TO SB 1383

The additional costs related to the additional SB 1383 requirements require a one-time monthly rate adjustment of \$3.72, in addition to the CPI plus one percent (1%) regular rate adjustment and the City franchise fee charged. See below cost breakdown for the requested monthly increase based on the additional services Athens will be providing.

- A. Waste Stream Analysis \$0.16
 - a. Conduct quarterly waste characterizations to be performed at Material Recovery Facility (MRF)
- B. Outreach and Education \$0.12
 - a. Provide a recycling coordinator and quarterly public information
- C. Contamination Monitoring \$0.39
 - a. Provide quarterly monitoring of the barrels
- D. Data Management & Reporting support \$0.33
 - a. Provide call center for customer SB 1383 inquiries and support; compliance of all SB 1383 reporting
- E. Procurement Support \$0.58
 - a. Procurement of compost and mulch; RNG used by trash hauler trucks
- F. Facilities \$2.14
 - a. Disposal of organics- taking the green waste mixed with food waste to the MRF for composting

With the proposed SB 1383 increase combined with the City franchise fee, the new monthly rate of \$37.69 would be effective September 1, 2022. Future rate adjustments for modified or additional services per Section 6.5 of the Agreement would require a Proposition 218 process.

Residential Waste Rate Summary – FY 2022-23			
Residential Rate	FY 2022-2023 (as of July 1, 2022)	Adjusted Rate (effective September 1, 2022)	
Residential Rate (Monthly)	\$33.17	\$37.69	(includes franchise fee)
Residential Rate (Annual)	\$398.04	\$452.28	(includes franchise fee)

PUBLIC HEARING

At the public hearing to be held August 8, 2022, the City Council will consider all written materials and oral testimony concerning the proposed residential rate monthly increase. If you are a real property parcel owner who opposes the proposed increase, you may submit a written protest in opposition to the increase, subject to the rules and procedures described in this notice below. This notice is being mailed to owners of real property parcels receiving residential trash services from the City’s contractor.

The approval of the rate increase is subject to what is called a “majority protest” vote which is different from traditional types of elections. The majority protest process is prescribed by Proposition 218. Under Proposition 218, **one, and only one, protest vote may be counted for each real property parcel that receives residential trash services from the City’s contractor.** In other words, each parcel may receive only one “No” vote for the rate increase, even, as is explained below in greater detail, more than one “No” vote is submitted for the same real property parcel. Persons who support the rate increase are not required to cast “Yes” vote nor are they required to submit any sort of writing to the City.

If the City receives written protests in opposition to the rate increase for more than 50% of the total number of real

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property parcels that are directly affected by the rate increase by or before the close of the majority protest public hearing, then the proposed rate increase will not take effect. For purposes of illustration only, if the total number of affected parcels in the City were 100 and written protests in opposition to the increase were received on behalf of 51 affected parcels, then the rate increase would not take effect.

For your written protest to be counted, please include the following information:

1. The Assessor Parcel Number of the Property Receiving Residential Trash Services. The person submitting the written protest must include the Assessor Parcel Number ("APN") that corresponds to the specific property address where trash services are being provided by the City's Contractor. This will allow the City to know which real property parcel you are submitting the protest on behalf of. The 10-digit APN number can be found at the top of the address label of the envelope in which this notice was sent to you.
2. The Printed Name of the Person Submitting the Written Protest. The printed name of the person submitting the written protest must be included in the protest. The following persons are eligible to submit written protests:
 - a. Any person in whose name an active trash service account has been established with the City's Contractor whether or not such person is the owner of the property address receiving such service or is a tenant;
 - b. Any person who owns/co-owns a real property parcel that receives residential trash services from the City's contractor, whether or not the trash account(s) with the City is in the property owner's name or in the name of a tenant or multiple tenants and whether or not the trash bill is paid for by the property owner or the property owner's tenant(s);
 - c. If a residential trash service account is in the name of a business entity or other legal entity other than a natural person, the person duly authorized by the entity to submit a written protest on the entity's behalf may submit a written protest in the name of the entity. Such persons should also include their title with the entity (e.g., owner, president, partner, trustee, etc.); and
 - d. If the owner of a real property parcel that receives residential trash services from the City's residential trash contractor is a business entity or other legal entity other than a natural person, the person duly authorized by the entity to submit a written protest on the entity's behalf may submit a written protest in the name of the entity. Such persons should also include their title with the entity (e.g., owner, president, partner, trustee, etc.).

If the person submitting the written protest is a parcel owner or is submitting in the name of a parcel owner that is a business or other legal entity, and the parcel owner is also a residential trash customer, the parcel owner should list all of the trash accounts in the parcel owner's name. Signature of Person Submitting the Written Protest. The person submitting the protest must also include his or her signature.

3. A Legible Statement that the Protest Is Submitted in Opposition to the Rate Increase. The person submitting the written protest must include a statement that legibly states that they are opposed to the rate increase. For example, the statements "I oppose the residential trash rate increase" or "I am against the residential trash rate increase" would be sufficient.

More than one person may submit a written protest for the same real property parcel as identified by its Assessor Parcel Number, however, **only one vote shall count for each such parcel.**

Also, if a person owns more than one real property parcel in the City and each of those parcels receives residential trash service from the City's contractor, the owner of these multiple parcels may submit one written protest for each of the parcels. Also, if a person or business/legal entity has multiple residential trash service accounts that correspond to different real property parcels, such persons or entities may submit one written protest for each of the real property parcels that correspond to each residential trash account. For purposes of illustration only, if you have two separate accounts corresponding to two separate parcels, the account holder for both accounts may submit one written protest for each of the two parcels. On the other hand, if a person or entity has two separate residential trash service accounts that correspond to the same parcel, only one vote will be counted for that parcel even if the account holder submits written protests for each account that corresponds to same real property parcel.

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SUBMISSION OF PROTESTS:

Written protests in opposition of the proposed rate increase may be submitted by email to protestSB1383@bellgardens.org, by regular mail or delivered in person to the City Clerk by or before 6:00 p.m. on August 8, 2022. Written protest delivery before the start of the majority protest public hearing may be delivered personally, by email, by U.S. Mail or by overnight courier service. Written protests deposited in the mail or postmarked before the start of the majority protest hearing but received after the proceedings have ended will not be counted. Accordingly, if you plan to submit your protest by mail please consider the time it may take for the protest to arrive at City Hall.

Mailed written protests must be mailed to the City Clerk, Bell Gardens City Hall, 7100 S. Garfield Avenue, Bell Gardens, California 90201. City Hall is closed on Fridays. Notices that are sent by mail or overnight courier should be placed in an envelope that indicates they are being submitted in opposition to the proposed trash rate increase both on the envelope and on the written protest itself. Mailed protests received after the close of the public hearing will not be counted, even if they were postmarked earlier.

Written protests may also be submitted during the majority protest public hearing to be held on August 8, 2022, starting at 6:00 p.m. Written protests delivered during the public hearing should be emailed to protestSB1383@bellgardens.org. Please be advised that written protests that are submitted **after** the majority protest public hearing has been closed **will not be accepted or counted**. The majority protest public hearing will be held on **August 8, 2022 at 6:00 p.m. virtually.**

If, by the close of the public hearing, written protests against the proposed residential trash rate increase are not presented for a majority of the identified parcels upon which the proposed charges are to be imposed, the City Council may authorize the trash rate increase. If written protests against the proposed trash rate adjustment are presented by a majority of owners of the parcels upon which the charges are proposed for imposition, the City shall not impose the proposed increased charges. If the proposed rate is adopted, the increase will be effective September 1, 2022.

PUBLIC PARTICIPATION: Pursuant to Government Code Section 54953, recently amended by AB 361, and given the current health concerns, members of the public can access meetings live at <https://www.bellgardens.org/i-want-to-watch-city-council-meetings>. Members of the public may participate via Zoom by clicking on the City Council's Meeting Calendar on the website. (Be sure to download the Zoom App, the meeting ID is: 813 3236 4343 and the Passcode is: 2021). Comments may also be made via the Zoom app by using the "Raise Hand" feature on the Zoom app, when it is your turn to speak the host will unmute you. Live comments may also be made by call-in users on Zoom by dialing (669)900-9128, when prompted enter the Webinar ID:813 3236 4343#, followed by Passcode: *2021#. During the public comments press *9, when it is your turn to speak, the user will need to dial *6 to unmute. Comments will not be accepted in the Q and A/Chat function of the Zoom app. Members of the public may also submit comments electronically for consideration by the City Council by sending them to PublicComments@bellgardens.org. Those comments, as well as any comments received after, will be distributed to the members of the City Council and will be made part of the official public record of the meeting. Contact the City Clerk's office at 562-806- 7704 or the receptionist's desk at 562-806-7700 for any questions.

Where to Get More Information About the City's Proposed Residential Trash Monthly Rate Increase

Again, this notice is sent to alert you of the City's intent to conduct an August 8, 2022 public hearing to consider approval of an increase to the monthly residential trash collection rate charged to residential property owners. The meeting will start at 6:00 p.m. and will be conducted virtually. If you are the owner of real property that receives residential trash service from the City's contractor, you may submit a written protest in opposition to the increase in the manner described in this notice. For more information about this process and the process for submitting written protests, please call the Public Works Department at 562-806-7770. Additional information can be viewed online at the City's website at: <https://www.bellgardens.org/government/city-departments/public-works/waste-services/residential-waste-service>

If you have questions regarding this notice or how it may impact your property, please contact the Public Works Department at (562) 806-7770, Monday through Thursday from 7:00 a.m. to 5:30 p.m.

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