

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA: (1) RECORDING RECEIPT OF WRITTEN PROTESTS TO PROPOSED FY 2023/24 – 2027/28 RATE INCREASE FOR RESIDENTIAL SOLID WASTE COLLECTION SERVICES; (2) APPROVING THE FY 2023/24 – 2027/28 RATE INCREASE FOR RESIDENTIAL SOLID WASTE COLLECTION SERVICES, EFFECTIVE NOVEMBER 1, 2023.

WHEREAS, the City of Riverside (“City”) by and through its Public Works Department (“Department”) is obligated to (1) provide its citizens with reliable and equitably priced commercial and residential solid waste collection services and (2) operate its solid waste collection division in an efficient and economical manner; and

WHEREAS, the Department is responsible for operating the solid waste collection division in such a manner that revenues from the collection of solid waste shall at least equal the costs of operation, including all maintenance and operations administrative and general, debt service, capital improvements, tax-related payments and other costs incurred in complying with prudent business practices; and

WHEREAS, Section 6.04.170 of the Riverside Municipal Code provides that the City Council of the City of Riverside shall, by resolution, fix and, from time to time, amend the charges to be made and paid for the collection of solid waste including: residential collection and certain charges associated with automated solid waste collection, including recyclable materials and green waste, commercial and industrial collection, and for the temporary bin and roll-off container service; and

WHEREAS, on September 15, 2020, the City Council adopted Resolution No. 23623, setting the 2020-2025 maximum residential and commercial solid waste collection rates; and

WHEREAS, the current five-year solid waste rate plan is being outpaced by the acceleration of inflation in the general economy; and

WHEREAS, the City of Riverside's solid waste services face other challenges such as the rising cost of processing recycling and organics, operational cost increases not covered by CPI (higher costs of refuse bins, vehicles, maintenance, and repairs), staffing needs, such as relief drivers

1 needed to minimize overtime, aging and outdated technology, and software needs to comply with
2 State requirements, and aging equipment and vehicles in need of replacement.

3 WHEREAS, on June 27, 2023, the City Council received a report from Public Works staff on
4 the current financial challenges and a proposed five-year rate plan for residential solid waste
5 collection services; and

6 WHEREAS, staff has developed a proposed rate plan for residential solid waste hauling to
7 ensure the City can provide sufficient service and meet State mandates; and

8 **Residential Solid Waste Services**

9 WHEREAS, on September 15, 2020, Council approved the current rate structure for
10 residential solid waste services. The solid waste program provides an array of services to encourage
11 recycling, to discourage illegal dumping, and to keep Riverside clean and beautiful; and

12 WHEREAS, the current structure utilizes both City staff and contract services from Athens
13 Services to provide residential disposal of regular trash, recyclables and green waste. City crews
14 currently service 60% of the residential customers (42,323 customers), and Athens Services
15 currently services 40% of the customers (21,161 customers). The contract with Athens Services
16 expires on June 30, 2038, with an optional extension through June 30, 2043, and includes an annual
17 increase based on CPI; and

18 WHEREAS, the residential rate structure includes an equitable share of the cost for services
19 also funded by the commercial customers, including the County disposal fee, the Materials Recovery
20 Facility (“MRF”) processing fee, the City landfill closure fee, AB939 fee, street sweeping costs, City
21 operational and administrative costs and a franchise fee relative to the Athens contract; and

22 WHEREAS, the disposal (landfill) fee is set each year by the County of Riverside under the
23 terms of the City’s agreement with the County. Additional increases are dependent on final County
24 of Riverside numbers to be released in May 2024 and annually thereafter; and

25 WHEREAS, the MRF processing fee for Refuse/Trash is established under a separate
26 agreement between the City of Riverside and the Agua Mansa Transfer MRF, LLC, with Burrtec
27 Waste Industries serving as the operator of the Agua Mansa Transfer Station; and

1 WHEREAS, the City Service Fee includes the current fees for landfill closure, AB939
2 requirements, street sweeping and administrative costs which are all administered by Public Works
3 and budgeted within the Refuse Fund. Detailed descriptions for the various cost components within
4 this fee are as follows:

5 a. Landfill Closure Cost

6 The landfill closure fee is necessary to fund the continued costs of post-closure remediation
7 activity at the Tequesquite Landfill, and is based on actual landfill maintenance costs. These costs
8 include required air quality and water quality testing and maintenance of the methane gas collection
9 system and landfill cover.

10 b. City Administrative Cost

11 This component covers the cost of administering the commercial refuse program. Costs
12 include staff time allocated to commercial contract management, customer service, field support,
13 outreach, and education, as well as staff time dedicated to enforcement and implementation of new
14 State mandated organics recycling programs.

15 c. AB939 Cost

16 The AB939 fee is collected to meet mandated diversion requirements set by the California
17 Department of Resources and Recycling (Cal Recycle). Funds are used to support various recycling
18 programs such as Clean Up Riverside’s (“CUR”) programming, which includes promotion of
19 recycling.

20 d. Street Sweeping Cost

21 This component supports a portion of the cost of street sweeping associated with the
22 collection and disposal of debris, trash and other organic material in streets and gutters. The balance
23 of the street sweeping cost is funded by commercial customers, National Pollutant Discharge
24 Elimination System (“NPDES”) Storm Drain Funds, and parking citation revenue; and

25 WHEREAS, the proposed FY 2023/24 – 2027/28 structure continues the annual rate
26 adjustments in order to maintain existing and required services. The proposed rate structure for
27 residential solid waste collection services for November 1, 2023 through June 30, 2028 would use
28

1 November 1, 2023 as the base year and will be adjusted administratively on July 1, 2024, and
2 annually thereafter, according to the schedule in Exhibit "B"; and

3 WHEREAS, the proposed rate increase is more particularly described in a table attached
4 hereto as Exhibit "B" and incorporated herein by this reference; and

5 **Notice**

6 WHEREAS, Proposition 218 (Cal. Const., Art. XIII D, sec. 6) requires that the City provide
7 notice to ratepayers of any new or increased solid waste charges as property-related fees, and a
8 mechanism for rejecting such fees through a "majority protest." The City must then conduct a public
9 hearing at the date, time, and location specified in the notice, and the date cannot be less than 45
10 days after the notices have been mailed. At the hearing, the City must consider all written protests
11 against the new/increased charge. The City may adopt the new charges, unless it receives written
12 protests from a majority (50% plus 1) of the ratepayers. Upon conclusion of the hearing, any written
13 protests received must be tallied to determine whether a "majority protest" has occurred. If a
14 majority protest does not occur, the City can then proceed with imposition of the new/increased fee
15 or charge; and

16 WHEREAS, on July 27, 2023, the City mailed written notices to all record owners directly
17 liable to pay for such residential solid waste collection services, including both property owners and
18 ratepayers, of the City's intent to hold a public hearing on September 19, 2023, at 6:15 p.m. before
19 the City Council of the City of Riverside at Riverside City Hall in the Art Pick Council Chambers
20 located at 3900 Main Street, Riverside, to consider adopting the proposed 2023-2028 residential
21 solid waste collection rates; and

22 WHEREAS, the City organized three community meetings at the locations and dates listed
23 below to provide more information:

24

- 25 • Monday, 7/31/2023 at 6:30 pm, Orange Terrace Parkway Ballroom, 20010 Orange
Terrace Pkwy.
- 26 • Thursday, 8/3/2023 at 6:30pm, La Sierra Community/Senior Center Ballroom, 5215 La
Sierra Ave.
- 27 • Tuesday, 8/8/2023 at 6:30pm, Bobby Bonds/Cesar Chavez Auditorium, 2060 University

1 Ave.

2 WHEREAS, such notice provided that the basis and reasons for these adjustments are to
3 enable the City, through its Public Works Department, to provide quality residential solid waste
4 services in several ways, such as addressing the rising cost of processing recycling and organics,
5 meeting operational cost increases not covered by CPI (higher costs of refuse bins, vehicles,
6 maintenance, and repairs), adding five relief drivers to increase staffing coverage to minimize
7 overtime, addressing technology, and software needs to comply with State requirements, adding two
8 Environmental Compliance Inspectors to assist with refuse mandate compliance, and providing
9 additional funding for maintenance and repair of the Tesquesquite Landfill Flare Station; and

10 WHEREAS, the notice further provided that at the time of the public hearing, the City
11 Council of the City of Riverside will hear and consider all written comments, protests, and
12 objections concerning these matters and will consider and may adopt the specified rates; and

13 WHEREAS, notice of the public hearing was also duly published in The Press Enterprise on
14 August 31, 2023 and September 7, 2023; and

15 WHEREAS, a public hearing was commenced by the City Council on the proposed 2023-
16 2028 Residential Solid Waste Rates on September 19, 2023, at 6:15 p.m., at the Art Pick Council
17 Chamber, located at City Hall, 3900 Main Street, Riverside, the City Council of the City of
18 Riverside to receive and consider the staff report, cost analysis, and oral and written comments,
19 protests and/or other objections from the public to the FY 2023/24 – 2027/28 Residential Solid
20 Waste Rates, and after receipt and consideration thereof the City Council concluded the public
21 hearing; and

22 WHEREAS, at the time of the public hearing, _____ verified written protests and/or
23 objections concerning these matters were received; and

24 WHEREAS, at the time of the public hearing, the City had 63,484 residential solid waste
25 customers, with the number comprising a majority of such customers being _____, and thus
26 did not receive a majority protest to the proposed FY 2023/24 – 2027/28 Residential Solid Waste
27 rates; and

1 WHEREAS, the City Council intends to adopt and establish the proposed FY 2023/24 –
2 2027/28 Residential Solid Waste Rates.

3 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside,
4 California, on the basis of the cost analyses and staff reports and the other evidence submitted by
5 Public Works at the June 27, 2023 and September 19, 2023 City Council meetings, as follows:

6 Section 1: The foregoing recitals are true and correct and are adopted and incorporated
7 herein by reference as findings of fact.

8 Section 2: On the basis of the staff cost analysis and report and the other evidence
9 submitted by the Public Works Department during the City Council's September 19, 2023 public
10 hearing, the City Council hereby finds and determines that the increased rates, set forth in the rate
11 schedule attached hereto as Exhibit A, and incorporated herein by this reference, are for the purposes
12 of (1) meeting operating expenses, including employee wage and fringe benefits, (2) purchasing or
13 leasing supplies, equipment or materials, (3) meeting financial reserve needs and requirements, (4)
14 implementing and maintaining state mandated organics recycling and recycling programs, and/or (5)
15 obtaining funds for capital projects necessary to maintain service within existing service areas and
16 further finds and determines that the increased rates do not exceed the reasonable costs incurred by
17 the City in the provisions of these services and are exempt from the provisions of the California
18 Environmental Quality Act (California *Public Resources Code* Section 21000 et seq.) under *Public*
19 *Resources Code* Section 21080(b)(8).

20 Section 3: The FY 2023/24 – 2027/28 Residential Solid Waste Rates are exempt from
21 the voter approval requirements of Proposition 26 as adopted by voters on November 2, 2010
22 because the rates are imposed for a specific government service provided directly to the ratepayer
23 that is not provided to those not charged and which does not exceed the reasonable costs to the local
24 government of providing the service.

25 Section 4: That a majority of the record owners directly liable to pay such rates,
26 including property owners and ratepayers, did not provide written comments, objections or protests
27 to the proposed rate adjustments to commercial and residential solid waste collection services.

Section 5: The rate adjustments for residential solid waste collection services, attached hereto as Exhibits A, are hereby approved and established as the maximum residential solid waste collection services rates to be charged.

Section 6: The rates, fees and charges set forth in this resolution shall be operative beginning November 1, 2023.

Section 7: This resolution applies only to residential solid waste collection services and in no way impacts the approved rate plan for Maximum Commercial Solid Waste Services adopted in Resolution No. 23623, which shall remain in effect. The Residential rates adopted herein, shall be in lieu of those approved in Resolution No. 23623 and not in addition to.

ADOPTED by the City Council this _____ day of September, 2023.

Mayor of the City of Riverside

Attest:

City Clerk of the City of Riverside

I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a meeting of the City Council of said City at its meeting held on the _____ day of September, 2023, by the following vote, to wit:

Ayes:

Noes:

Absent:

Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this _____ day of September, 2023.

City Clerk of the City of Riverside

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EXHIBIT “A”

MAXIMUM RESIDENTIAL SOLID WASTE COLLECTION SERVICES

NOVEMBER 1, 2023 TO JUNE 30, 2028 (PER MONTH)

Future Proposed Increases & Effective Dates*						
Service	Current	November 1, 2023	July 1, 2024	July 1, 2025	July 1, 2026	July 1, 2027
Standard Curbside/Disabled	\$33.78	\$34.72	\$37.32	\$39.75	\$42.33	\$45.08
Mobilehome/Apt	\$19.27	\$19.81	\$21.30	\$22.68	\$24.15	\$25.72
Driveway	\$46.32	\$47.61	\$51.18	\$54.51	\$58.05	\$61.82
Backyard	\$55.57	\$57.13	\$61.41	\$65.40	\$69.65	\$74.18
Condo/Townhouse	\$20.85	\$21.42	\$23.03	\$24.53	\$26.12	\$27.82
Extra Container (Brown – Trash)	\$14.38	\$14.78	\$15.89	\$16.92	\$18.02	\$19.19
Extra Container (Green – Yardwaste)	\$6.59	\$6.77	\$7.28	\$7.75	\$8.25	\$8.79
Extra Container (Blue – Recycling)	\$2.62	\$2.69	\$2.89	\$3.08	\$3.28	\$3.49