

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
SETTING RATES FOR OVERALL SOLID WASTE SERVICES,
ANNUAL CLEAN-UP CAMPAIGN, AND HOUSEHOLD
HAZARDOUS WASTE SERVICES IN THE EXCLUSIVE
FRANCHISE AREA**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City Council of the City of Santa Clara ("City") has provided, by contract or with its own forces, certain garbage and refuse collection and disposal services, Clean Green, recycling, Annual Clean-Up Campaign, and household hazardous waste ("Solid Waste Services") within the corporate limits of the City of Santa Clara;

WHEREAS, City entered into an agreement entitled the "Agreement for Disposal of Municipal Solid Waste, dated March 7, 1989, with International Disposal Corporation of California (a wholly owned subsidiary of Browning Ferris Industries (BFI))", ("Disposal Agreement") as amended by Amendment No. 1 dated February 10, 1998, for cost of disposing of garbage and refuse collected in the City at Newby Island Landfill for a term commencing March 7, 1989, and terminating on December 31, 2024;

WHEREAS, City entered into an amended agreement entitled "Second Amended and Restated Exclusive Franchise Agreement for Collection, Transportation and Disposal of Refuse by and Between the City of Santa Clara, California and Mission Trail Waste Systems, Inc." ("Refuse Franchise Agreement") for a term commencing July 1, 2010, and terminating on December 30, 2021, which was amended on May 24, 2016, to include food scrap recycling services;

WHEREAS, City entered into an agreement entitled "Exclusive Franchise Agreement for Collection and Handling of Recyclables Between the City of Santa Clara and Los Altos Garbage Company" ("Residential Recycling Services Agreement") for the residential single-stream recycling collection program on September 28, 2008, for a term commencing December 7, 2009, and terminating January 10, 2020, which was subsequently amended by Amendment No. 1 on October 20, 2009, to change the corporate name to Recology South Bay dba Recology Santa

Clara and Amendment No. 2 on January 19, 2019, to increase the monthly tariff from \$2.98 per household to \$4.34 per household and extend the term to December 31, 2021;

WHEREAS, the overall adjustments to the monthly rates charged to customers for Solid Waste Services made by this Resolution do not in any way modify the rates of compensation which Mission Trail Waste Systems, Inc. and Recology Santa Clara are entitled to under the Refuse Franchise and Residential Recycling Services Agreements;

WHEREAS, City entered into “Agency Agreement for Countywide Household Hazardous Waste Collection Program with the County of Santa Clara” (“CoHHWP Agreement”) to provide household hazardous waste collection, drop-off, and disposal services on June 12, 2018 for a term commencing on July 1, 2018, and terminating on June 30, 2021;

WHEREAS, City periodically adjusts rates charged to customers for Solid Waste Services to incorporate adjustments in compensation paid to the contractors providing Solid Waste Services with the goal of achieving full cost recovery, with no subsidy from the General Fund;

WHEREAS, on April 4, 2019, the City timely mailed notices of a public hearing to property owners and rate payers of Solid Waste Services that detailed proposed rate adjustments in accordance with Article XIID §6 of the California Constitution (Proposition 218); and,

WHEREAS, on May 21, 2019, the City held a public hearing on the proposed adjustments to fees for Solid Waste Services, and there was no majority protest.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. In accordance with Article XIID § 6 of the California Constitution and as set forth in the accompanying staff report, incorporated herein by reference:

A. The revenues derived from the Solid Waste Services rates, as stated in Table A, attached hereto and incorporated herein, do not exceed the funds required to provide solid waste programs.

B. The revenues derived from the Solid Waste Services rates will not be used for

any purpose other than solid waste programs.

C. The Solid Waste Services rates charged will not exceed the cost of solid waste programs per parcel.

D. The Solid Waste Services rates are only charged for solid waste programs that are currently available.

E. The Solid Waste Services rates are not charged for general governmental services.

2. Notice of the proposed Solid Waste Services rates was mailed on April 4, 2019, more than 45 days prior to the public hearing on this matter, in compliance with Proposition 218.

3. A public hearing was conducted on May 21, 2019, regarding the proposed rates to be charged and all protests and other comments were considered.

4. The number of written protests by owners of parcels within the City against the increased rates were tabulated by City staff at the hearing and did not constitute a majority protest.

5. That following the public hearing, the City Council approves and adopts the rates for collection and disposal of garbage, refuse, Clean Green, recycling, Annual Clean-Up Campaign, and household hazardous waste set forth in Table A, incorporated here by reference.

6. That any and all amounts by which the fees set forth in Table A exceed monies paid to contractors that provide Solid Waste Services in accordance with their respective agreements, shall solely belong to City and shall constitute cost recovery for Solid Waste Services rendered by City.

7. That a true and correct copy of this Resolution shall be kept on file in the Office of the City Clerk and in the Billing Division of the City Finance Department at all times in which the rates are operable or until replaced with any future adjusted monthly charges by the City Council and shall be open to public inspection during the regular hours of such offices.

8. That the adjusted monthly charges described herein are ordered to be effective and operative with, and for, services rendered during periods covered by billing cycle July 2019 and

subsequent billing cycles.

9. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED
AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING
THEREOF HELD ON THE ___ DAY OF _____, 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Table A – City of Santa Clara Rates for Collection and Disposal of Garbage, Refuse, Clean Green, Recycling, Annual Clean-Up Campaign, and Household Hazardous Waste Services for Utility Bills Issued On and After July 1, 2019

S:\Attorney\RESOLUTIONS\Form Resolution-City.doc

TABLE A
CITY OF SANTA CLARA
RATES FOR COLLECTION AND DISPOSAL OF GARBAGE,
REFUSE, CLEAN GREEN, RECYCLING, ANNUAL CLEAN-UP CAMPAIGN,
AND HOUSEHOLD HAZARDOUS WASTE SERVICES
(Effective Billing Cycle July 2019)

I. RESIDENTIAL USERS:

A. All Occupancy Classes (separate line billing)

- | | |
|---|---------------------------|
| 1. Annual Clean-Up Campaign | \$5.67/month ¹ |
| 2. Extra Bag Tag Pre-Paid Sticker Program for extra garbage bag setouts (purchase stickers at City Hall Municipal Services counter) | \$4.50/bag tag |
| 3. Household Hazardous Waste | \$0.30/month |

B. Single Occupancy (includes Multi-Family Complexes of 4 or Less Units)^{2 & 3}

- | | |
|---|---------------|
| 1. Regular service, (includes Clean Green Collection, and Recycling Services) single collection weekly: | |
| a. One (1) thirty-two-gallon capacity garbage can or Small Cart | \$30.62/month |
| b. One (1) twenty-gallon capacity super saver can or Super Saver Cart | \$23.07/month |
| c. Two (2) thirty-two-gallon capacity garbage cans or Medium Cart | \$45.13/month |
| d. Three (3) thirty-two-gallon capacity garbage cans or Large Cart | \$59.64/month |
| e. Additional thirty-two (32) gallon container | \$14.51/month |

C. Multi-Family Occupancies where Clean Green Collection Services Provided:
Regular service, single collection weekly:

- | | |
|--|---------------|
| 1. First dwelling unit (includes Clean Green Collection and Recycling Services): | |
| a. One (1) thirty-two-gallon capacity garbage can or Small Cart | \$30.62/month |

¹ Exemption with no charge to residence with limited space based on determination by Deputy Director of Public Works.

² Last two weeks of each year, encompassing the Christmas holiday and the week following, single occupancy customers may set out up to four (4) extra thirty (30) gallon garbage bags total (two per week) at no extra charge.

³ Low income rate discount of \$1.50 per can per month available upon approved application.

b.	One (1) twenty-gallon capacity Super Saver garbage can or Super Saver Cart only for duplexes and trailer parks where can set-out and billed individually at each residence	\$23.07/month
c.	Two (2) thirty-two-gallon capacity garbage cans or Medium Cart	\$45.13/month
d.	Three (3) thirty-two-gallon capacity garbage cans or Large Cart	\$59.64/month
2.	Each additional dwelling unit exceeding one (1) unit (includes recycling charge, but not Clean Green charge)	\$18.91/month
3.	For each additional thirty-two-gallon capacity container	\$14.51/month
4.	Recycling Service: (first unit includes recycling charge automatically) All residential dwellings are required to have recycling services. The monthly charge is unbundled for additional units after the first unit.	\$4.40/month/unit
D.	Townhouses – garbage and recycling provided (recycling not bundled into rate, but billed as a separate line item on utility bill); no Clean Green services:	
1.	Regular service, single collection weekly:	
a.	One (1) thirty-two-gallon capacity garbage can or Small Cart	\$14.98/month
b.	One (1) twenty-gallon capacity super saver garbage can or Super Saver Cart only where can setout and billed individually at each residence	\$7.43/month
c.	Two (2) thirty-two-gallon capacity garbage cans or Medium Cart	\$29.49/month
d.	Three (3) thirty-two-gallon capacity garbage cans or Large Cart	\$44.00/month
e.	Additional thirty-two (32) gallon capacity container	\$14.51/month
2.	Recycling Service, single collection weekly, additional charge per participating dwelling unit	\$4.40/month/unit
E.	Clean Green Service	\$11.24/month/unit

II. COMMERCIAL AND INSTITUTIONAL ESTABLISHMENTS; AND RESIDENTIAL APARTMENT COMPLEXES (WHERE DWELLING UNITS NOT SERVED SEPARATELY)

A. Regular Garbage Can/Cart Service: Variable

CONTAINER SIZE (CAPACITY)	ONE TO SIX COLLECTIONS PER WEEK⁴					
	ONE	TWO	THREE	FOUR	FIVE	SIX
One 32 gallon capacity can, or Small Cart	\$14.98	\$29.50	\$44.01	\$58.54	\$73.04	\$87.56
Two 32 gallon capacity cans, or Medium Cart	\$29.49	\$58.54	\$87.56	\$116.60	\$145.63	\$174.67
Three 32 gallon capacity cans, or Large Cart	\$44.00	\$87.56	\$131.12	\$174.67	\$218.21	\$261.77
Each additional 32 gallon capacity container	\$14.51	\$29.04	\$43.55	\$58.06	\$72.59	\$87.11
Rates shown applicable where no Recycling or Clean Green collection services provided. Notwithstanding the above, in no event will the minimum charge for service for commercial and institutional establishments be less than \$14.98.						

B. Regular Recycling Can/Cart Service: Variable

Contractor bills customers for commercial recycling services directly, not the City. Per Section 7.2(c) of Agreement, if a commercial customer requires more than 96 gallons of recycling service per week, Contractor may charge customer up to a maximum of the corresponding tariff level for the specific container and service level, plus 10% for billing and franchise fees. Contractor shall retain 5% for billing and remit 5% to City on a quarterly basis, along with its non-exclusive franchise fees.

CONTAINER SIZE (CAPACITY)	ONE TO SIX COLLECTIONS PER WEEK					
	ONE	TWO	THREE	FOUR	FIVE	SIX
First 96 gallon container	None	\$57.78	\$86.67	\$115.53	\$144.41	\$173.32
Each additional 96 gallon container	\$28.89	\$57.78	\$86.67	\$115.53	\$144.41	\$173.32

⁴ For complexes with recycling services, add \$4.40 per unit per month charge.

C. Cart Food Scrap Recycling Service

CONTAINER SIZE (CAPACITY)	FOOD SCRAP RECYCLING COLLECTIONS PER WEEK				
	ONE	TWO	THREE	FOUR	FIVE
First 64 gallon container (collection rate)	\$21.27	\$42.50	\$63.81	\$85.11	\$106.33
Each additional 64)gallon container (collection rate)	\$21.04	\$42.03	\$63.04	\$84.06	\$105.16
Processing cost per container	\$40.01	\$78.64	\$117.26	\$155.89	\$194.50
Contractor bills customers for food scrap recycling services directly. Collection rates are based on the corresponding tariff for each level of service, plus ten percent (10%) for billing and franchise fees. Contractor shall retain five percent (5%) for billing and remit five percent (5%) to City on a quarterly basis, along with its non-exclusive franchise fees. Contractor shall invoice City on a monthly basis for processing costs, which are not subject to franchise fees.					

D. Garbage Bin Service: Variable, for commercial, institutional, and residential multi-family occupancy customers; monthly charge (for weekly collections) with container furnished by Contractor.

BIN SIZE (Cubic Yards)	ONE TO SIX COLLECTIONS PER WEEK⁴					
	ONE	TWO	THREE	FOUR	FIVE	SIX
1	\$93.40	\$183.81	\$270.26	\$353.08	\$436.44	\$516.53
1½	\$135.14	\$268.26	\$391.38	\$508.50	\$627.67	\$746.21
2	\$176.82	\$346.72	\$516.56	\$672.37	\$828.19	\$961.07
3	\$261.60	\$508.50	\$742.49	\$962.73	\$1190.30	\$1413.89
4	\$342.00	\$669.72	\$985.41	\$1275.43	\$1574.43	\$1830.40
6	\$481.88	\$949.71	\$1372.23	\$1795.05	\$2217.57	\$2622.48
8	\$615.36	\$1225.40	\$1841.00	\$2314.78	\$2877.09	\$3450.43

- E. Recycling Bin Service: Variable, for commercial, institutional, and residential multi-family occupancy customers; monthly charge (for weekly collections) with container furnished by Contractor.

Contractor bills customers for commercial recycling services directly, not the City. Per Section 7.2(c) of Agreement, if a commercial customer requires more than 96 gallons of recycling service per week, Contractor may charge customer up to a maximum of the corresponding tariff level for the specific container and service level, plus 10% for billing and franchise fees. Contractor shall retain 5% for billing and remit 5% to City on a quarterly basis, along with its non-exclusive franchise fees.

BIN SIZE (Cubic Yards)	ONE TO SIX COLLECTIONS PER WEEK					
	ONE	TWO	THREE	FOUR	FIVE	SIX
1	\$65.15	\$127.71	\$187.81	\$245.36	\$302.90	\$357.91
1½	\$93.91	\$186.27	\$271.48	\$352.17	\$434.46	\$512.36
2	\$122.64	\$240.26	\$357.91	\$465.70	\$572.98	\$685.58
3	\$181.39	\$352.17	\$513.39	\$664.85	\$821.59	\$975.33
4	\$236.90	\$463.43	\$681.37	\$880.40	\$1086.15	\$1260.63
6	\$332.66	\$655.26	\$945.04	\$1234.82	\$1524.59	\$1815.32
8	\$424.01	\$844.07	\$1268.12	\$1589.17	\$1963.03	\$2368.08

F. Front Load Bin Food Scrap Recycling Service

BIN SIZE (CAPACITY)	FOOD SCRAP RECYCLING COLLECTIONS PER WEEK				
	ONE	TWO	THREE	FOUR	FIVE
One (1) cubic yard (collection rate)	\$71.67	\$140.48	\$206.59	\$269.90	\$333.19
Processing cost per one (1) cubic yard container	\$124.69	\$246.59	\$368.49	\$490.40	\$612.32
Three (3) cubic yards (collection rate)	\$199.53	\$387.38	\$564.74	\$731.32	\$903.75
Processing cost per three (3) cubic yard container	\$369.89	\$735.60	\$1101.32	\$1467.05	\$1,832.77
Contractor bills customers for food scrap recycling services directly. Collection rates are based on the corresponding tariff for each level of service, plus ten percent (10%) for billing and franchise fees. Contractor shall retain five percent (5%) for billing and remit five percent (5%) to City on a quarterly basis, along with its non-exclusive franchise fees. Contractor shall invoice City on a monthly basis for processing costs, which are not subject to franchise fees.					

- G. Drop Body Bulk Roll-Off Bin Garbage Service and Compacted Front Loader Bin Garbage Service: Per collection with roll-off container furnished by Contractor and front loader compactor bin furnished by customer.

<i>BIN SIZE/CAPACITY</i>	<i>OPEN (Loose) CONTAINER⁵ (per cubic yard)</i>	<i>COMPACTED (Closed) CONTAINER (per cubic yard)</i>
10 cubic yards or less	\$45.32	\$55.69
11 to 15 cubic yards	\$45.32	\$51.19
16 to 20 cubic yards	\$42.71	\$48.38
21 to 29 cubic yards	\$40.63	\$48.38
30 cubic yards	\$36.91	\$48.38
31 to 39 cubic yards	\$34.46	\$48.38
40 cubic yards & over	\$30.17	\$48.38

- H. Roll-Off Food Scrap and Recycling (Pull Charges Only)

BIN SIZE/CAPACITY		OPEN (Loose) CONTAINER (per cubic yard)	COMPACTED (Closed) CONTAINER (per cubic yard)
10 cubic yards or less		\$29.41	\$38.74
11 to 15 cubic yards		\$29.41	\$33.62
16 to 20 cubic yards		\$26.84	\$30.72
21 to 29 cubic yards		\$24.59	\$30.72
30 cubic yards		\$20.71	\$30.72
31 to 39 cubic yards		\$19.60	\$30.72
40 cubic yards & over		\$18.98	\$30.72
ROLL-OFF COMPOST/ORGANICS PROCESSING			
Compost/Organics		\$94.15 per ton	
Contractor bills customers for food scrap recycling services directly. Collection rates are based on the corresponding tariff for each level of service, plus ten percent (10%) for billing and franchise fees. Contractor shall retain five percent (5%) for billing and remit five percent (5%) to City on a quarterly basis, along with its non-exclusive franchise fees. Contractor shall invoice City on a monthly basis for processing costs, which are not subject to franchise fees.			

⁵ If bin used for concrete, dirt, asphalt loose wastes, or compactor containers over 800 pounds per cubic yard, add charge of \$13.51 per cubic yard.

III. SPECIAL CHARGES

A. Manual Front-Load Bin Push/Pull Charges

<i>RATE LEVEL</i>	<i>ONE-WAY DISTANCE</i>	<i>RATE</i>
L-1	6 to 20 feet	\$23.64
L-2	21 to 40 feet	\$30.86
L-3	41 to 60 feet	\$45.98
L-4	61 to 80 feet	\$54.86
L-5	81 to 100 feet	\$76.55
L-6	101 to 120 feet	\$100.53
L-7	121 to 140 feet	\$124.19
L-8	141 to 160 feet	\$146.50
L-9	161 to 180 feet	\$170.16
L-10	181 to 200+ feet	\$190.86

- B. Lock Bar / Lock Jam Front Load Services
One-time installation fee, including one (1) lock: \$69.64 each
- C. Purchase of Lock
Per each, includes delivery of lock: \$32.85 each
- D. Front-Load Bin Steam Cleaning
Per occurrence, not including once per year annual cleaning: \$83.45 each
- E. Roll-Off Bin Steam Cleaning
Per occurrence, not including once per year annual cleaning: \$371.85 each
- F. Saturday Service Roll-Off Bin
Per occurrence: \$404.71 each
- G. “Emergency” Roll-Off Load Collection on a Weekday
Per driver hour with one (1) hour minimum charge: \$216.81 per hour
- H. Relocation of Roll-Off Bin
Per driver hour with one (1) hour minimum charge: \$216.81 per hour

I.	Roll-Off Driver Time	
	Per driver hour with one (1) hour minimum charge	\$216.81 per hour
J.	Push-Pull Charge for Residential Recycling Containers	
	First ten (10) feet are complimentary:	\$1.45 per foot