RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA SETTING RATES FOR OVERALL SOLID WASTE SERVICES, ANNUAL CLEANUP 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 collection and disposal services, yard trimming and recycling collection, The Annual Cleanup Campaign, and household hazardous waste services ("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 agreement entitled "Agreement for Services Between the City of Santa Clara, California and GreenWaste Recovery, Inc." ("Solid Waste Processing Agreement"), dated April 27, 2020, to process solid waste from the exclusive franchise area to recover recyclables and organic waste for a term commencing July 1, 2020, and terminating on June 30, 2036;

WHEREAS, City entered into an agreement entitled "Agreement for Services Between the City of Santa Clara, California and Mission Trail Waste Systems, Inc." ("Refuse Franchise Agreement"), April 27, 2020, to collect and transport solid waste from customers in the exclusive franchise area, excluding residential recyclables for a term commencing July 1, 2020, and terminating on June 30, 2036;

WHEREAS, City entered into an agreement entitled "Agreement for Services Between the City

of Santa Clara, California, and Recology South Bay DBA Recology Santa Clara" ("Residential Recycling Services Agreement"), February 5, 2020, for residential single-stream recycling collection services for a term commencing July 1, 2020, and terminating on June 30, 2036 ;

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., GreenWaste Recovery, 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, on May 1, 2020, 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 XIIID §6 of the California Constitution (Proposition 218); and,

WHEREAS, on June 23, 2020, 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 XIIID § 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 May 1, 2020, more than 45 days prior to the public hearing on this matter, in compliance with Proposition 218.

3. A public hearing was conducted on June 23, 2020, 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, yard trimming and recycling collection, The Annual Cleanup Campaign, and household hazardous waste services as 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 for Solid Waste Services described herein are ordered to be effective for utility bills issued for services rendered on and after July 1, 2020 and

thereafter.

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 _____, 2020, 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, Yard Trimming and Recycling Collection, The Annual Cleanup Campaign, and Household Hazardous Waste Services for Utility Bills Issued For Services Rendered On and After July 1, 2020

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

TABLE A
CITY OF SANTA CLARA
RATES FOR COLLECTION AND DISPOSAL OF GARBAGE, YARD TRIMMING AND RECYCLING COLLECTION, THE ANNUAL CLEANUP CAMPAIGN, AND HOUSEHOLD HAZARDOUS WASTE SERVICES
(Effective for utility bills issued for services rendered on and after July 1, 2020)

I. RESIDENTIAL USERS:

A. All Occupancy Classes (separate line billing)

1. Annual Cleanup Campaign	$5.90/month[1]
2. Extra Bag Tag Pre-Paid Sticker Program for extra garbage bag setouts	$5.70/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 Yard Trimming Collection Service, and Recycling Services) single collection weekly:

a. One (1) thirty-two-gallon capacity garbage can or Small Cart	$37.90/month
b. One (1) twenty-gallon capacity super saver can or Super Saver Cart	$29.60/month
c. Two (2) thirty-two-gallon capacity garbage cans or Medium Cart	$55.70/month
d. Three (3) thirty-two-gallon capacity garbage cans or Large Cart	$73.60/month
e. Additional thirty-two (32) gallon container	$20.15/month

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

1. First dwelling unit (includes Yard Trimming and Recycling Collection Services):

a. One (1) thirty-two-gallon capacity garbage can or Small Cart	$37.90/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-two (32) gallon garbage bags total (two per week) at no extra charge.
[3] Low income rate discount of $3.00 per month for single-family and townhouse customers that qualify for Silicon Valley Power's Rate Assistance Program.

b. One (1) twenty-gallon capacity Super Saver Cart. Only for duplexes with individual billing and where carts are set out at each residence. $29.60/month

c. Two (2) thirty-two-gallon capacity garbage cans or Medium Cart $55.70/month

d. Three (3) thirty-two-gallon capacity garbage cans or Large Cart $73.60/month

2. Each additional dwelling unit exceeding one (1) unit (includes recycling charge, but not Yard Trimming Collection Service charge) $25.45/month

3. For each additional thirty-two-gallon capacity container $20.15/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. $5.30/month/unit

D. Townhouses – garbage and recycling provided (recycling not bundled into rate, but billed as a separate line item on utility bill); no Yard Trimming Collection Services:

1. Regular service, single collection weekly:

a. One (1) thirty-two-gallon capacity garbage can or Small Cart $20.80/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 $12.50/month

c. Two (2) thirty-two-gallon capacity garbage cans or Medium Cart $38.60/month

d. Three (3) thirty-two-gallon capacity garbage cans or Large Cart $56.50/month

e. Additional thirty-two (32) gallon capacity container $20.15/month

2. Recycling Service, single collection weekly, additional charge per participating dwelling unit $5.30/month/unit

E. Yard Trimming Collection Service $11.80/month/unit

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

A. Regular Garbage Cart Service: Variable

CONTAINER SIZE (CAPACITY)	***ONE TO SIX COLLECTIONS PER WEEK[4]***					
	ONE	***TWO***	***THREE***	***FOUR***	***FIVE***	***SIX***
One 32-gallon capacity can, or Small Cart	$20.80	$36.31	$54.18	$72.06	$89.91	$107.79
Two 32-gallon capacity cans, or Medium Cart	$38.60	$72.06	$107.79	$143.53	$179.27	$215.02
Three 32-gallon capacity cans, or Large Cart	$56.50	$107.79	$161.41	$215.02	$268.62	$322.24
Each additional 32-gallon capacity container	$20.15	$35.75	$53.61	$71.47	$89.36	$107.23
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 $20.80.						

B. Regular Recycling Cart Service: Variable

Contractor bills customers for commercial recycling services directly, not the City. Per Exhibit A, Section 3.C.v. of Agreement, if a commercial customer requires more than 96 gallons of recycling service per week, Contractor shall charge customer up to a maximum of the corresponding tariff level for the specific container and service level, 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. Rates below include the ten percent (10%) markup.

CONTAINER SIZE (CAPACITY)	***ONE TO SIX COLLECTIONS PER WEEK***					
	ONE	***TWO***	***THREE***	***FOUR***	***FIVE***	***SIX***
First 96-gallon container	None	$61.25	$91.87	$122.46	$153.08	$183.71
Each additional 96-gallon container	$30.62	$61.25	$91.87	$122.46	$153.08	$183.71

[4] For complexes with recycling services, add $5.30 per unit per month charge.

C. Source Separated Food Scrap and Organic Waste Service

CONTAINER SIZE (CAPACITY)	***FOOD SCRAP RECYCLING COLLECTIONS PER WEEK***				
	ONE	***TWO***	***THREE***	***FOUR***	***FIVE***
First 64-gallon container (collection rate)	$22.56	$45.05	$67.64	$90.21	$112.71
Each additional 64-gallon container (collection rate)	$22.30	$44.55	$66.83	$89.12	$111.46
Processing cost per container	$6.36	$12.50	$18.65	$24.78	$30.93

Contractor bills customers for food scrap recycling services (collection and processing) directly. Collection rates above are based on the corresponding tariff for each level of service and include 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. Processing cost per container include ten percent (10%) for billing and franchise fees.

D. Front Load Bin Garbage 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 WEEK[4]***					
	ONE	***TWO***	***THREE***	***FOUR***	***FIVE***	***SIX***
1	$114.98	$226.27	$332.69	$434.64	$537.26	$635.85
1½	$166.36	$330.23	$481.79	$625.96	$772.66	$918.58
2	$217.67	$426.81	$635.89	$827.69	$1,019.50	$1,183.08
3	$322.03	$625.96	$914.01	$1,185.12	$1,465.26	$1,740.50
4	$421.00	$824.43	$1,213.04	$1,570.05	$1,938.12	$2,253.22
6	$593.19	$1,169.09	$1,689.22	$2,209.71	$2,729.83	$3,228.27
8	$757.51	$1,508.47	$2,266.27	$2,849.49	$3,541.70	$4,247.48

E. Front Load Bin Recycling Service: Variable, for commercial, and institutional customers; monthly charge (for weekly collections) with container furnished by Contractor.

Contractor bills customers for commercial recycling services directly, not the City. Per Exhibit A, Section C. (v.) 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 five percent (5%) for billing and remit five percent (5%) to City on a quarterly basis, along with its non-exclusive franchise fees. Rates below include the ten percent (10%) markup.

BIN SIZE (Cubic Yards)	***ONE TO SIX COLLECTIONS PER WEEK***					
	ONE	***TWO***	***THREE***	***FOUR***	***FIVE***	***SIX***
1	$69.06	$135.38	$199.08	$260.07	$321.07	$379.38
1½	$99.54	$197.45	$287.77	$373.30	$460.53	$543.10
2	$129.99	$254.68	$379.38	$493.64	$607.35	$726.72
3	$192.27	$373.30	$544.19	$704.74	$870.88	$1,033.85
4	$251.11	$491.24	$722.26	$933.22	$1,151.32	$1,336.27
6	$325.63	$694.57	$1,001.75	$1,308.90	$1,616.07	$1,924.24
8	$449.45	$894.72	$1,344.21	$1,684.52	$2,080.80	$2,510.17

F. Front Load Bin Source Separated Food Scrap and Organic Waste Service

BIN SIZE (CAPACITY)	***FOOD SCRAP RECYCLING COLLECTIONS PER WEEK***				
	ONE	***TWO***	***THREE***	***FOUR***	***FIVE***
One (1) cubic yard (collection rate)	$69.06	$135.37	$199.08	$260.08	$321.07
Processing cost per one (1) cubic yard container	$19.82	$39.21	$58.59	$77.97	$97.36
Three (3) cubic yards (collection rate)	$192.27	$373.30	$544.19	$704.74	$870.89
Processing cost per three (3) cubic yard container	$58.81	$116.96	$175.11	$233.26	$291.41

Contractor bills customers for food scrap recycling services directly. Collection rates above are based on the corresponding tariff for each level of service and include 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. Processing cost per container includes ten percent (10%) for billing and franchise fees.

G. Roll-Off Bin Garbage Collection and Compacted Front Loader Bin Garbage Collection: Per collection with roll-off container furnished by Contractor and front loader compactor bin furnished by customer. The rates specified below do not include recycling/disposal costs. Customer shall be billed for the actual charges incurred by the Contractor for recycling and/or disposal of collected contents plus ten percent (10%) markup for billing and franchise fees. This 10% markup is included in the rates below.

BIN SIZE/CAPACITY	***OPEN (Loose) CONTAINER (per cubic yard)***	***COMPACTED (Closed) CONTAINER (per cubic yard)***
10 cubic yards or less	$31.17	$41.06
11 to 15 cubic yards	$31.17	$35.63
16 to 20 cubic yards	$28.45	$32.55
21 to 29 cubic yards	$26.06	$32.57
30 cubic yards	$21.96	$32.57
31 to 39 cubic yards	$20.78	$32.57
40 cubic yards & over	$20.12	$32.57
Demurrage charge (one-week extension without collection)	$55.00/week	$55.00/week

III. SPECIAL CHARGES

A. Provided by Mission Trail Waste Systems and Billed to Customer by City:

1. Manual Front-Load Bin Push/Pull Charges

RATE LEVEL	***ONE-WAY DISTANCE***	***RATE***
L-1	6 to 20 feet	$25.06
L-2	21 to 40 feet	$32.71
L-3	41 to 60 feet	$48.74
L-4	61 to 80 feet	$58.15
L-5	81 to 100 feet	$81.14
L-6	101 to 120 feet	$106.56
L-7	121 to 140 feet	$131.64
L-8	141 to 160 feet	$155.29
L-9	161 to 180 feet	$180.37
L-10	181 to 200+ feet	$202.31

2. Lock Bar/ Lock Jam Front Load Services
One-time installation fee, including one (1) lock: $73.82

3. Purchase of Lock
Per each, includes delivery of lock: $34.82

4. Front-Load Bin Steam Cleaning - Per occurrence, does not include once per year annual cleaning: $88.46

B. Provided by Mission Trail Waste Systems and Billed to Customer by Contractor:

1. Roll-Off Bin Steam Cleaning - Per occurrence not including once per year annual cleaning: $433.58*

2. Saturday Service Roll-Off Bin - Per occurrence: $471.89*

3. "Emergency" Roll-Off Load Collection on a Weekday- Per driver hour with one (1) hour minimum charge: $252.80*

4.	Relocation of Roll-Off Bin - Per driver hour with one (1) hour minimum charge:	$252.80*
5.	Roll-Off Driver Time - Per driver hour with one (1) hour minimum charge:	$252.80*
6.	Counter-balance Front-Load Covered Bin (Premium charge paid by Customer – availability limited to 100 bins total)	$10.00/unit/month
7.	Special Charges for return trips, non-scheduled collections, overages, and contamination:	Monthly collection charge for cart or bin size multiplied by 12, divided by 52, and multiplied by 1.5 per occurrence
8.	Illegal bin removal and storage fee:	$274.80* plus disposal cost per occurrence

*Roll-off bin special services charges include markup of 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.

C. Provided by Recology for Residential Recycling Customers:

1.	Manual Push/Pull Charges (first 10 feet complimentary):	$1.00 per foot moved
2.	Front Loading Bin Cleaning Charge:	$125.00 per cleaning
3.	Driver-time Reimbursement:	$95.00 per hour
4.	Lock-Jam Bin Installations:	$75.00 flat fee
5.	Charge to Service Contaminated Toter:	$25.00 flat fee per container
6.	Charge to Service Contaminated Front-Loading Bins	$125.00 flat fee per container