RESOLUTION NO. 6524

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND ADOPTING REVISIONS TO THE SCHEDULE OF SOLID WASTE RATES

Intent of the Parties and Findings

(i) On or about November 27, 2000, the City entered into an agreement with Burrtec Waste Industries Inc. (Burrtec) to provide Solid Waste Collection, Processing and Disposal Services ("Agreement") as authorized by Section 13.28.040 of the Upland Municipal Code; and

(ii) On or about May 27, 2014 the City and Burrtec entered into a Third Amendment to the Agreement modifying Burrtec's service fee for providing solid waste collection, processing and disposal services; and

(iii) Section 13.28.160 of the Upland Municipal Code authorizes the City Council to place limits on the rates, fees and charges collectors may charge to residential owners and commercial/industrial businesses for the collection of solid waste ("Solid Waste Rates"); and

(iv) On February 19, 2018, the City submitted a compliance plan for the Mandatory Commercial Recycling Program (MCR) to CalRecycle in response to their request to address gaps in the commercial and multi-family mandatory recycling programs in order to increase participation by regulated customers to meet the CalRecycle diversion goals; and

(v) On August 13th, 2018, the City Council held a public hearing and adopted rate adjustments for multi-family, commercial and industrial bin and compactor service property owners; and

(vi) On March 15, 2019 the City received notice from Burrtec of a request to increase service rates by 3.8% in accordance with the Consumer Price index for calendar year 2018 and a request for an uncontrollable circumstances including changes in law and tipping fee increases that resulted in increases that exceed the maximum annual cap of 4%; and

(vi) As a part of the rate review and validation of requested uncontrollable cost, the City retained an outside consultant. This consultant confirmed the request of an increase above the maximum annual percentage amount was validated and reasonable; and

(vii) The City Council finds and determines that the proposed Solid Waste Rates to property owners not exceed the estimated reasonable amounts for which they are to be imposed; and

(viii) On or about December 13, 2019, notice of the public hearing was mailed to property owners and tenants pursuant to Article XIIID Section 6 of the California Constitution; and

(ix) On January 27, 2020, the City Council held a public hearing wherein written and oral testimony was presented regarding the proposed adjustments to the Solid Waste Rates; and

(x) Less than a majority of owners of the identified parcels and users of the City's solid waste service made a written protest against the adjustments to the Solid Waste Rates; and

(xi) On the basis of the evidence presented during the public hearing, the City Council hereby adjusts the Solid Waste Rates as set forth hereafter.

NOW, THEREFORE, the Upland City Council hereby finds, determines and resolves as follows:

Section 1. All of the facts set forth in the recitals part of this Resolution, are true and correct.

Section 2. Users of the City's solid waste collection and disposal service shall be charged no greater than the amounts set forth in Attachment A hereto.

Section 3. Effective February 1, 2020, the City's solid waste rates, fees and charges, as specified in Section 13.28.160 of the Upland Municipal Code, shall be superseded pursuant to Attachment A.

Section 4. The rates, fees or charges set forth above, in Attachment A, will remain in effect until amended by subsequent resolution(s) of the City Council.

Section 5. The City Council finds that the California Environmental Quality Act of 1970, as amended, does not apply to the adoption of this Resolution, pursuant to Section 15273 of Article 18 of Chapter 3 of Title 14 of the California Code of Regulations. The City Council expressively finds based on the evidence before it that the increase is for the purposes of:

a. Meeting the operating expenses, including employee wage rates;
b. Purchasing supplies, equipment and materials;
c. Payment of solid waste processing and disposal; and
d. Meeting the financial reserves.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Resolution. The City Council hereby declares that it would have adopted this Resolution, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 7. Certification. The City Clerk shall certify the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 27th day of January, 2020.

Debbie Stone

Debbie Stone, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 27th day of January, 2020, by the following vote:

AYES: Mayor Stone, Councilmembers Felix, Elliott, Velto
NOES: Councilmember Zuniga
ABSENT: None
ABSTAINED: None

ATTEST:

Keri Johnson, City Clerk

CITY OF UPLAND INCREASE
Rates Effective February 1, 2020

These rates provide for a 2018 consumer price index adjustment of 3.8% on the service cost to Burrtec Waste Industries and City program fees. The rates also include a pass-through adjustment to address the 2018 increase in solid waste disposal costs.

Service Type	Current Rate	Proposed Rate
Residential Service		
35-gallon trash barrel	$ 17.61	$ 21.17
65-gallon trash barrel	$ 21.79	$ 25.65
95-gallon trash barrel	$ 26.23	$ 30.23
Extra 35-gallon trash	$ 9.26	$ 9.59
Extra 65-gallon trash	$ 10.62	$ 11.06
Extra 95-gallon trash	$ 12.11	$ 12.60
Exchange/replace damaged/stolen bbl*	$ 17.57	$ 18.71
Extra pick-up - barrel	$ 16.32	$ 17.34
Temporary Bins (7 day usage)	$ 124.57	$ 132.04
Temporary Bin - Extra Empty	$ 124.57	$ 132.04
* in cases of negligence by consumer/excludes normal wear on bins		
Commercial Barrel		
65-gallon trash barrel	$ 21.79	$ 25.65
95-gallon trash barrel	$ 26.23	$ 30.23
Exchange/replace damaged/stolen bbl	$ 17.57	$ 18.71
Extra pick-up - barrel	$ 16.32	$ 17.34

Commercial Recycling Bin Service

Size	Freq	Current Rate	Proposed Rate
2	1	$ 80.30	$ 84.85
2	2	$ 148.60	$ 156.92
2	3	$ 216.88	$ 228.98
2	4	$ 280.91	$ 296.52
2	5	$ 348.13	$ 367.46
2	6	$ 389.39	$ 410.73
3	1	$ 103.43	$ 109.15
3	2	$ 194.83	$ 205.50
3	3	$ 286.25	$ 301.86
3	4	$ 377.67	$ 398.22
3	5	$ 469.11	$ 494.61
3	6	$ 560.48	$ 590.92
4	1	$ 126.49	$ 133.38
4	2	$ 241.05	$ 254.06
4	3	$ 355.59	$ 374.70
4	4	$ 470.07	$ 495.30
4	5	$ 584.58	$ 615.93
4	6	$ 699.07	$ 736.53

Commercial Food Waste Service - Stand Alone

Size	Freq	Current Rate	Proposed Rate
1.5	1	$ 168.35	$ 206.50
1.5	2	$ 296.15	$ 369.81
1.5	3	$ 415.78	$ 524.41
1.5	4	$ 533.66	$ 677.18
1.5	5	$ 650.82	$ 829.15
1.5	6	$ 768.28	$ 981.44
2	1	$ 209.73	$ 259.61
2	2	$ 382.39	$ 479.77
2	3	$ 543.10	$ 687.20
2	4	$ 704.01	$ 894.84
2	5	$ 888.45	$ 1,127.53
2	6	$ 1,025.47	$ 1,309.73
65-gallon Barrel	1	$ 66.60	$ 56.37
65-gallon Barrel	2	$ 123.40	$ 102.59
65-gallon Barrel	3	$ 177.06	$ 145.53
65-gallon Barrel	4	$ 230.56	$ 188.31
65-gallon Barrel	5	$ 290.42	$ 237.69
65-gallon Barrel	6	$ 337.78	$ 274.09

(1) Service provides for an optional Recycle bin of equal or lesser size, while funds for this program are available.
Note: "size" refers to the number of cubic yards of the bin and the "Freq." is the frequency of pick ups per week.

Commercial and Multi-Family Bin Service (1)

Size	Freq	Current Rate	Proposed Rate
1	1	$ 80.67	$ 86.51
1.5	1	$ 95.77	$ 102.89
2	1	$ 111.09	$ 119.48
2	2	$ 210.16	$ 226.18
2	3	$ 309.24	$ 332.86
2	4	$ 404.06	$ 435.03
2	5	$ 502.05	$ 540.59
2	6	$ 574.10	$ 618.49
3	1	$ 149.61	$ 161.10
3	2	$ 287.19	$ 309.38
3	3	$ 424.78	$ 457.69
3	4	$ 562.38	$ 605.98
3	5	$ 700.00	$ 754.31
3	6	$ 837.55	$ 902.56
4	1	$ 188.05	$ 202.63
4	2	$ 364.20	$ 392.56
4	3	$ 540.30	$ 582.45
4	4	$ 716.35	$ 772.32
4	5	$ 892.44	$ 962.21
4	6	$ 1,068.49	$ 1,152.06
5	1	$ 226.61	$ 244.29
5	2	$ 441.18	$ 475.73
5	3	$ 655.77	$ 707.21
5	4	$ 870.36	$ 938.69
5	5	$ 1,084.92	$ 1,170.13
5	6	$ 1,299.52	$ 1,401.60
6	1	$ 265.09	$ 285.83
6	2	$ 518.15	$ 558.88
6	3	$ 771.19	$ 831.90
6	4	$ 1,024.26	$ 1,104.94
6	5	$ 1,277.32	$ 1,377.97
6	6	$ 1,530.41	$ 1,651.03

Commercial Compactor Trash Service (1)

3	1	$ 276.78	$ 303.88
3	2	$ 541.72	$ 595.11
3	3	$ 806.64	$ 886.33
3	4	$ 1,071.59	$ 1,177.61
3	5	$ 1,336.54	$ 1,468.86
3	6	$ 1,601.45	$ 1,760.10
4	1	$ 361.80	$ 397.39
4	2	$ 711.58	$ 782.01
4	3	$ 1,061.40	$ 1,166.65
4	4	$ 1,395.69	$ 1,534.89
4	5	$ 1,741.66	$ 1,915.46
4	6	$ 2,087.61	$ 2,296.02

Commercial/Multi-Family Green Waste Bin Service

Size	Freq	Current Rate	Proposed Rate
2	1	$ 87.80	$ 100.71
2	2	$ 163.59	$ 188.60
2	3	$ 239.39	$ 276.53
2	4	$ 315.18	$ 364.45
2	5	$ 390.95	$ 452.29
2	6	$ 466.75	$ 540.22
3	1	$ 114.70	$ 132.94
3	2	$ 217.34	$ 253.04
3	3	$ 320.01	$ 373.17
3	4	$ 422.66	$ 493.27
3	5	$ 525.34	$ 613.41
3	6	$ 628.00	$ 733.53
4	1	$ 141.52	$ 165.10
4	2	$ 271.04	$ 317.42
4	3	$ 400.55	$ 469.72
4	4	$ 530.08	$ 622.04
4	5	$ 659.60	$ 774.39
4	6	$ 789.09	$ 926.67

Service Type	Current Rate	Proposed Rate
Roll-Off Service		
40 yd compactor - trash	$ 904.16	$ 1,001.58
40 yd roll-off box - trash	$ 729.33	$ 805.73
19 yd roll-off box - trash	$ 729.33	$ 805.73
Demo box - Inerts Clean	$ 398.29	$ 655.73
C&D box	$ 730.50	$ 948.16
Rolloff 40-Y Recyc. (6 tons max)	$ 212.26	$ 226.06
Rolloff 40-Y Comp Recyc. (8 tons max)	$ 214.75	$ 228.70
Rolloff 40-Y Greenwaste (6 tons max)	$ 471.12	$ 551.52
40 yd roll-off box - clean wood/green	$ 654.97	$ 742.37
Dry run charge	$ 61.97	$ 66.00
Daily roll-off rental	$ 30.32	$ 32.30
Miscellaneous Charges		
Extra pick-up - bin	$ 59.89	$ 63.47
Extra pick-up - compactor bin	$ 110.42	$ 117.04
Temporary bin (7 day usage)	$ 124.57	$ 132.04
Temporary bin - extra empty	$ 124.57	$ 132.04
Locking bin	$ 13.21	$ 14.01
Steam cleaning	$ 46.28	$ 49.06
Bulky Charge per Item	$ 15.00	$ 15.97
Bulky Item Trip Charge	$ 40.00	$ 42.59
Steam Cleaning - Compactor	$ 158.73	$ 169.05
Dump and Destroy Fee[2]	N/A	$ 105.00

[2] Commercial customer request for special certified bin collection and disposal

Service Type	Current Rate	Proposed Rate
Miscellaneous Charges		
Pull-out (0-25 ft) - All services	N/C	N/C
Pull-out (26-50 ft) - 1 x Week	$ 16.65	$ 17.29
Pull-out (26-50 ft) - 2 x Week	$ 21.41	$ 22.23
Pull-out (26-50 ft) - 3 x Week	$ 25.86	$ 26.84
Pull-out (26-50 ft) - 4 x Week	$ 30.92	$ 32.10
Pull-out (26-50 ft) - 5 x Week	$ 35.68	$ 37.04
Pull-out (26-50 ft) - 6 x Week	$ 40.44	$ 41.98
Pull-out (51-75 ft) - 1 x Week	$ 19.03	$ 19.75
Pull-out (51-75 ft) - 2 x Week	$ 26.17	$ 27.17
Pull-out (51-75 ft) - 3 x Week	$ 33.30	$ 34.57
Pull-out (51-75 ft) - 4 x Week	$ 40.44	$ 41.98
Pull-out (51-75 ft) - 5 x Week	$ 47.58	$ 49.39
Pull-out (51-75 ft) - 6 x Week	$ 54.74	$ 56.80
Pull-out (76-100 ft) - 1 x Week	$ 21.41	$ 22.23
Pull-out (76-100 ft) - 2 x Week	$ 30.92	$ 32.10
Pull-out (76-100 ft) - 3 x Week	$ 40.44	$ 41.98
Pull-out (76-100 ft) - 4 x Week	$ 49.95	$ 51.85
Pull-out (76-100 ft) - 5 x Week	$ 59.48	$ 61.75
Pull-out (76-100 ft) - 6 x Week	$ 67.25	$ 69.81
Pull-out (101-125 ft) - 1 x Week	$ 23.79	$ 24.69
Pull-out (101-125 ft) - 2 x Week	$ 35.68	$ 37.04
Pull-out (101-125 ft) - 3 x Week	$ 47.58	$ 49.39
Pull-out (101-125 ft) - 4 x Week	$ 59.48	$ 61.75
Pull-out (101-125 ft) - 5 x Week	$ 71.37	$ 74.09
Pull-out (101-125 ft) - 6 x Week	$ 83.27	$ 86.44
Pull-out (126-150 ft) - 1 x Week	$ 26.17	$ 27.17
Pull-out (126-150 ft) - 2 x Week	$ 40.44	$ 41.98
Pull-out (126-150 ft) - 3 x Week	$ 54.71	$ 56.80
Pull-out (126-150 ft) - 4 x Week	$ 68.99	$ 71.62
Pull-out (126-150 ft) - 5 x Week	$ 83.27	$ 86.44
Pull-out (126-150 ft) - 6 x Week	$ 97.54	$ 101.25
Pull-out (over 150 ft) - 1 x Week	$ 28.55	$ 29.64
Pull-out (over 150 ft) - 2 x Week	$ 45.19	$ 46.91
Pull-out (over 150 ft) - 3 x Week	$ 61.86	$ 64.21
Pull-out (over 150 ft) - 4 x Week	$ 78.52	$ 81.51
Pull-out (over 150 ft) - 5 x Week	$ 95.16	$ 98.79
Pull-out (over 150 ft) - 6 x Week	$ 111.81	$ 116.07