

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA ESTABLISHING SOLID WASTE COLLECTION RATE INCREASES WITHIN THE BOUNDARIES OF THE LOS OSOS COMMUNITY SERVICES DISTRICT

The following Resolution is hereby offered and read:

WHEREAS, on or about September 4, 2008, the Los Osos Community Services District (“District”) and Mission Country Disposal (“Mission Country”) entered into an Amended and Restated Solid Waste Collection Franchise Agreement (“Franchise Agreement”) pursuant to which Mission Country provides solid waste collection services to homes and businesses within the boundaries of the District; and

WHEREAS, on or about December 5, 2013, the District, Mission Country and the County of San Luis Obispo (“County”) entered into an Assignment of Franchise Agreement pursuant to which the District assigned all its rights and obligations under the Franchise Agreement to County; and

WHEREAS, Mission Country submitted a request for a rate increase to County in September 2015; and

WHEREAS, the request is based on increased operational expenses, resulting from, without limitation, the rising costs associated with the operation of a garbage company, the rising costs associated with operation and fuel for vehicles, increased labor costs, increased landfill rates and the costs associated with implementation of an Organics Program as mandated by Assembly Bill 1826 (2014); and

WHEREAS, Section 11 of the Franchise Agreement provides that the rates charged by Mission Country shall be structured consistent with the *City of San Luis Obispo Rate Setting Process and Methodology Manual for Integrated Solid Waste Management Rates* dated June 1994 (“Rate Setting Manual”); and

WHEREAS, the County retained Bill Statler to independently evaluate whether the requested rate increase complies with the Rate Setting Manual; and

WHEREAS, Mr. Statler prepared a report which concludes that the requested rate increase is consistent with the Rate Setting Manual; and

WHEREAS, Section 16(B) of the Franchise Agreement gives the County the right to terminate the Franchise Agreement in the event that Mission Country requests and is granted a rate increase that when compared to the rate on the effective date of the Franchise Agreement exceeds the cumulative cost of living increase from the effective date of the Franchise Agreement; and

WHEREAS, on February 3, 2016, a notice of public hearing on the requested rate increase was sent to all customers of Mission Country and all record owners of the serviced parcels within the boundaries of the District; and

WHEREAS, the Board of Supervisors conducted a public hearing on the requested rate increase on March 22, 2016; and

WHEREAS, sufficient written protests were not received to prevent the rate increase.

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND DETERMINED by the Board of Supervisors of the County of San Luis Obispo as follows:

- Section 1: The above recitals are true and correct and incorporated herein by this reference.
- Section 2: The rates set forth on Exhibit A attached hereto and incorporated herein by this reference are approved and adopted.
- Section 3: Due to the reasonableness of the rate increase, the County will not exercise the termination option set forth in Section 16(B) of the Franchise Agreement with respect to the rates approved and adopted pursuant to this Resolution.
- Section 4: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution, or any part thereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of any chapter or part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.
- Section 5: The Board of Supervisors finds that adoption of this Resolution and establishment of the rates set forth on Exhibit A is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq.) (CEQA) pursuant to Public Resources Code Section 21080(b)(8) and CEQA Guidelines Section 15273 inasmuch as the

rates to be implemented are for the purpose of meeting operating expenses, purchasing or leasing of supplies, equipment and materials, meeting financial reserve needs and requirements and funding previously approved capital projects necessary to maintain service within the existing service areas.

Section 6: This Resolution shall take effect immediately. The rates established by this Resolution shall take effect on April 1, 2016 unless otherwise specified in Exhibit A.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call votes, to-wit:

AYES:
NOES:
ABSENT:
ABSTAINING:

the foregoing Resolution is hereby adopted on the ____ day of _____, 20__.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors
[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:
RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: March 9, 2016

EXHIBIT A

MISSION COUNTRY DISPOSAL - RECOMMENDED BASE YEAR RATE INCREASE

EFFECTIVE DATE: APRIL 1,
2016

LOS OSOS CSD AREA

SERVICE DESCRIPTION	PICKUPS PER WEEK	CURRENT RATES 1/1/2015	BASE YEAR RATE ADJUSTMENT	PROPOSED RATES EFFECTIVE 4/1/2016
RESIDENTIAL:				
Low Income 32 Gallon only	1	\$9.06	10.37%	\$10.00
Half Can 19 gallon only	1	\$12.25	10.37%	\$13.52
32 Gallon Waste Wheeler	1	\$17.42	10.37%	\$19.23
64Gallon Waste Wheeler	1	\$26.74	10.37%	\$29.51
95 Gallon Waste Wheeler	1	\$32.52	10.37%	\$35.89
Garbage extras (per bag)		\$5.80	10.37%	\$6.40
Recycling extras (per bag)		\$1.38	10.37%	\$1.52
Service away from the curb	each can	\$8.08	10.37%	\$8.92
Switch waste wheeler <12 months		\$26.93	10.37%	\$29.72
Residential customers must use the waste wheelers provided by the garbage company.				
APARTMENTS, TRIPLEX, DUPLEX				
Rates are the same as commercial rates (below)				
URBAN COMMERCIAL:				
1 Yard Dumpster	1	\$71.52	10.37%	\$78.94
1 Yard Dumpster	2	\$106.20	10.37%	\$117.21
1 Yard Dumpster	3	\$147.65	10.37%	\$162.96
1 Yard Dumpster	4	\$185.75	10.37%	\$205.01
1 Yard Dumpster	5	\$227.28	10.37%	\$250.85
1 Yard Dumpster	6	\$267.02	10.37%	\$294.71
1 Yard Dumpster	7	\$322.10	10.37%	\$355.50
1.5 Yard Dumpster	1	\$83.71	10.37%	\$92.39
1.5 Yard Dumpster	2	\$132.06	10.37%	\$145.75
1.5 Yard Dumpster	3	\$185.75	10.37%	\$205.01
1.5 Yard Dumpster	4	\$244.52	10.37%	\$269.88
1.5 Yard Dumpster	5	\$303.44	10.37%	\$334.91
1.5 Yard Dumpster	6	\$360.47	10.37%	\$397.85
1.5 Yard Dumpster	7	\$438.35	10.37%	\$483.81
2 Yard Dumpster	1	\$100.98	10.37%	\$111.45
2 Yard Dumpster	2	\$152.91	10.37%	\$168.77
2 Yard Dumpster	3	\$225.51	10.37%	\$248.90
2 Yard Dumpster	4	\$299.89	10.37%	\$330.99
2 Yard Dumpster	5	\$374.29	10.37%	\$413.10
2 Yard Dumpster	6	\$449.01	10.37%	\$495.57
2 Yard Dumpster	7	\$549.38	10.37%	\$606.35
3 Yard Dumpster	1	\$128.66	10.37%	\$142.00
3 Yard Dumpster	2	\$208.25	10.37%	\$229.85
3 Yard Dumpster	3	\$293.04	10.37%	\$323.43
3 Yard Dumpster	4	\$393.31	10.37%	\$434.10

3 Yard Dumpster	5	\$472.90	10.37%	\$521.94
3 Yard Dumpster	6	\$569.87	10.37%	\$628.97
3 Yard Dumpster	7	\$733.51	10.37%	\$809.57
4 Yard Dumpster	1	\$177.14	10.37%	\$195.51
4 Yard Dumpster	2	\$261.81	10.37%	\$288.96
4 Yard Dumpster	3	\$383.05	10.37%	\$422.77
4 Yard Dumpster	4	\$509.33	10.37%	\$562.15
4 Yard Dumpster	5	\$644.20	10.37%	\$711.00
4 Yard Dumpster	6	\$760.04	10.37%	\$838.86
4 Yard Dumpster	7	\$963.48	10.37%	\$1,063.39
Loose yards		\$13.83	10.37%	\$15.26
Sunday Service		\$62.16	10.37%	\$68.61

The rates are the same for bins and garwoods, when volume is identical. Bins and garwoods are types of containers used for recycling.

COMMERCIAL GARBAGE CANS - ALL AREA:

1 Can*	1	\$23.10	10.37%	\$25.50
1 Can*	2	\$39.84	10.37%	\$43.97
1 Can*	3	\$56.57	10.37%	\$62.44
2 Cans*	1	\$28.95	10.37%	\$31.95
2 Cans*	2	\$45.69	10.37%	\$50.43
3 Cans*	1	\$34.80	10.37%	\$38.41
3 Cans*	2	\$51.52	10.37%	\$56.86
4 Cans*	1	\$41.98	10.37%	\$46.33
4 Cans*	2	\$58.71	10.37%	\$64.80

* Maximum volume and weight per garbage can : 33 gallons / 80 pounds

COMMERCIAL - OTHER CHARGES:

Recycle waster wheeler rental	each per month	\$1.38	10.37%	\$1.52
Recycle bin rental	each per month	\$6.74	10.37%	\$7.44

Rates for all commercial customers include recycling pickup for up to 2 yards once a week for free. One 96 gallon waste wheeler is provided free of charge. If you need a bin for recycling there is a charge (see above). **If you need more frequent service, it can be provided at a 75% discount from the garbage service rates for the specified level of service required.**

MISCELLANEOUS CHARGES (See Note 8)

Short Term Containers:				
Container Delivery (includes removal)		\$34.67	10.37%	\$38.27
Container Rental	per day	\$0.98	10.37%	\$1.08
Emptying Container:				
1 Yard (minimum charge)	each	\$19.02	10.37%	\$20.99
1.5 Yard	each	\$27.67	10.37%	\$30.54
2 Yard	each	\$31.09	10.37%	\$34.31
3 Yard	each	\$43.26	10.37%	\$47.75
4 Yard	each	\$53.67	10.37%	\$59.24
Trip Charge (See Note 6)	each	\$27.63	10.37%	\$30.50
Extra Dumpster Cleaning	each	\$50.17	10.37%	\$55.37

Extra Dumpster Delivery	each	\$34.67	10.37%	\$38.27
White Goods	each	\$47.14	10.37%	\$52.03
Small Extra	each	\$13.48	10.37%	\$14.88
Bin Rental	per month			
Installing Lock on Dumpster	each	\$58.75	10.37%	\$64.84
Optional Waste Wheeler Rental, 32 or 64 gallon sizes (see note 5)	per month & per container	\$1.38	10.37%	\$1.52
Xtra Greenwaste 32 gal cart	per month	\$2.90	10.37%	\$3.20
Xtra Greenwaste 96 gal cart	per month	\$2.90	10.37%	\$3.20
Additional collection charge per 32 gallon can or equivalent volume.	per collection	\$5.80	10.37%	\$6.40
Mileage Charge (See Note 3)	per mile & per trip	\$0.50	10.37%	\$0.55

MISCELLANEOUS CHARGES (continued)

USED OIL COLLECTION

Call for details and pick up schedule.	no charge	\$0.00		\$0.00
Late Fee (See Note 7)	per month	\$5.00		\$5.00
Stop/Restart/Change residential service, within 90 days.	per occurrence	\$26.93	10.37%	\$29.72

ADDITIONAL INFORMATION

- 1) One standard trash can is the equivalent unit volume to a 32 Gallon Waste Wheeler.
- 2) **Low income customers** enrolled in PG&E's or the Gas Company's low income programs are eligible for a reduced one can rate. Please contact the garbage company for details.
- 3) **Mileage charge:** A charge applied to the customer's bill for additional mileage beyond 1/2 mile from the urban reserve line. The mileage charge is added for each round trip.
- 4) **Service away from the curb:** A monthly charge that is assessed to the residential customer's bill when service inside the property line is requested. This charge is not applicable to disabled customers without the means of setting the containers in the public right of way for collection.
- 5) **Optional Waste Wheeler Charge:** A charge for using more than one garbage waste wheeler at a given service level. For example, a customer who has subscribed to a 64 gallon monthly garbage service level may choose two 32 gallon garbage waste wheelers instead of one 64 gallon garbage waste wheeler, for this additional charge.
- 6) **Trip Charge:** A charge to service a residential customer on a non-route day or after the area's collection has occurred. Additional fees may be incurred according to volume of waste collected and any applicable mileage charges (see note 3).
- 7) **Late Fees:** These are imposed for all customers over 30 days delinquent delinquent. The fee is 1.5% per month of the outstanding charge, with a minimum fee of \$5.00. No prior notice is required, as this late fee policy is stated at the bottom of every bill.
- 8) **Miscellaneous Charges:** are increased by one rate for all three unincorporated areas receiving garbage hauling services provided by Mission Country Disposal.

In addition, commencing on January 1, 2017 and January 1, 2018, all the rates shall be increased based on the following:

- 1) Increase, if any, in the Consumer Price Index (CPI) for the Bureau of Labor Statistics' Consumer Price Index for Urban Consumers based on the All U.S. City Average, Bureau of Labor Statistics for the month of June 2016 for January 1, 2017 and June 2017 for January 1, 2018; and
- 2) Increase of 0.59% for 2017 and 0.57% for 2018 for increase in the cost of landfill disposal.

Effective date for rates shown in current rate column: **January 1, 2015**

This increase is approximately: 10.37% Effective Date: **1-Apr-16**

