



TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

To: Honorable Mayor and Town Council **Date:** January 22, 2013

From: Marc Puckett, Assistant Town Manager **Item No:** 8
Finance & Administration

Subject: A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON TRASH USER FEE INCREASES IN AN AMOUNT OF BETWEEN \$0.42 - \$1.42 PER MONTH, OR, 5.57% - 7.62% AND PROVIDING DIRECTION TO STAFF TO PROCEED WITH THE SPECIAL NOTICE PROCEEDING AS REQUIRED BY LAW

T.M. Approval: _____ **Budgeted Item:** Yes No N/A

RECOMMENDED ACTION:

That the Town Council adopt Resolution 2013-04 stating its intention to hold a Public Hearing on March 12, 2013 to increase trash user fees based on the attached schedule and direct staff to proceed with the special notice as required by law.

SUMMARY:

Pursuant to the agreement with the Trash/Recycling Service Contractor, Burrtec Waste Industries, the Contractor may request an increase in the Service Rate annually based upon changes in the Consumer Price Index published by the Bureau of Labor Statistics of the U.S. Department of Labor. A change in the Service Rate occurs only when the CPI evidences a change greater than plus 1% or minus 2% from the previous year. The Service Rate calculation was performed and resulted in an increase of 3.9% from the preceding period. The calculation of the Service Rate last year did not result in an increase. The last increase to the service rate occurred in August, 2008.

This increase in the Service Rate is requested due to increased costs incurred over the past three years by the Contractor, Burrtec Waste Industries, Inc. for solid waste collection and recycling services. The Town received the attached rate increase worksheets for each type of service from Burrtec Waste Industries, Inc.

In order to increase the trash user fees the Town must comply with Proposition 218. This requires that notification of the proposed fee increase be sent to the owner of

record of each identified parcel upon which any new or increased trash rates or charges being proposed for adoption at least 45 days in advance of the Public Hearing.

If the Town Council adopts Resolution 2013-04, the notice will be mailed and distributed to the property owners of record. Each property owner will have the right to submit a written or oral protest against the proposed fee increase and may do so by mail or in person to the Town Clerk no later than the conclusion of the Public Hearing on March 12, 2013. At the Public Hearing the Town will consider all protests against the proposed fee increase. If written protests against the proposed fee increase are presented by a majority of owners of identified parcels, the Town would not impose the fee. If there is no majority protest, the Town Council would then consider a resolution to adopt the proposed fee increase. If adopted, the increase would become effective on March 13, 2013.

Attachment: 1) Resolution Number 2013-04
2) Rate Increase Worksheets by Type of Service

RESOLUTION NO. 2013-04

A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON TRASH USER FEE INCREASES IN AN AMOUNT OF BETWEEN \$0.42 - \$1.42 PER MONTH, OR, 5.57% - 7.62% AND PROVIDE DIRECTION TO STAFF TO PROCEED WITH THE SPECIAL NOTICE PROCEEDING AS REQUIRED BY LAW

WHEREAS the Town Council of the Town of Apple Valley has adopted Chapter 6.20 of the Town's Municipal Code which provides for the collection, removal and disposal of refuse within the Town of Apple Valley; and

WHEREAS said chapter requires all fees and charges to be adopted by Resolution of the Town Council of the Town of Apple Valley; and

WHEREAS the Town currently charges trash users rates based on the attached schedule; and

WHEREAS the Town is requesting to increase the current trash user fee by an amount of 3.90% monthly in order to recapture the additional amount charged to it by Burrtec Waste Industries, Inc.; and

WHEREAS the revenues derived from the fees and charges, as amended, will not exceed the cost reasonably borne in providing the services, and will not be used for any purposes other than that for which the fees and charges are imposed, and the fees and charges are not being imposed for general governmental services.

WHEREAS the Town desires to comply with Section 6 of Article XIII(D) of the California Constitution regarding the notice, hearing and protest procedures.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Apple Valley as follows:

- 1) The revenues derived from the proposed fee increase shall not exceed the funds required to provide the property related services.

- 2) The revenues derived from the proposed fee increase shall not be used for any purpose other than that for which the proposed fee is imposed.

- 3) The hearing on the proposed fee increase shall be held on the date of the Town Council's regularly scheduled meeting on

Date: March 12, 2013

Time: 6:30 p.m., or as soon thereafter as the matter may be heard

At: Town Council Chambers

14955 Dale Evans Parkway

Apple Valley Ca, 92307

- 4) The Town shall give notice of the time and place of the Public Hearing of the proposed fee increase to all property owners within the Town affected by the proposed fee increase by causing the publishing of this Resolution once in the local newspaper for two consecutive weeks not less than ten (10) days before the date of the Public Hearing, and by posting it on the sites customarily used by the Town Council for the posting of notices.
- 5) In addition to the published noticed provided in #4 above, the special notice proceeding on the proposed fee increase pursuant to Section 6, of Article XIII(D) of the California Constitution consists of a mailed notice, distributed to property owners of record within the Town as of the County's last equalized roll. The notice shall be in writing and shall state all of the following:
 - a. The amount of the proposed fee increase proposed to be imposed upon each parcel; and
 - b. The basis upon which the amount of the proposed fee increase was calculated; and
 - c. The reason for the proposed fee increase; and
 - d. The date, time, and location of the Public Hearing on the Proposed fee increase

Each property owner has the right to submit a protest against the proposed fee increase, either in writing or orally, to the Town Clerk no later than the conclusion of the Public Hearing on March 12, 2013. At the Public Hearing, the Town Council shall consider all protests against the proposed fee increase and if said protests are presented fairly by a majority of the owners of the identified parcels, the Town shall not impose the proposed fee.

APPROVED and **ADOPTED** by the Town Council of the Town of Apple Valley this 22th day of January, 2013.

Curt Emick, Mayor

ATTEST:

La Vonda M-Pearson, Town Clerk

Town of Apple Valley
Rate Worksheet

Residential Barrels

Service Level	Current Rate with Current Franchise Fee of 5%							Proposed 2012 - Effective 2/1/13							Rate \$ Increase	Rate % Increase
	3/08 CPI 3.30%	3/08 CPI 3.30%	3/08 CPI 4.70%	3/08 CPI 4.70%	3/08 CPI 5.30%	3/08 CPI 5.30%	3/08 CPI 5.30%	7/1-12/31/13 2012 Rate Adjustment	2011 CPI 2.69%	2011 CPI 2.69%	2011 CPI 2.69%	2011 CPI 2.69%	2011 CPI 2.69%	2011 CPI 2.69%		
	Trash	Recycling	Landfill	Adm/MRF	Frn. Fee	Total	Bi-Monthly	2011 CPI 2.69% Trash	2011 CPI 2.69% Recycling	2012 Rate Adjustment	2011 CPI 2.69% Landfill	2011 CPI 2.69% Adm/MRF	2011 CPI 2.69% Frn. Fee	Total	Bi-Monthly	
40 gallon	8.43	4.58	4.11	2.44	0.68	\$ 20.24	\$ 40.48	8.66	4.70	0.49	4.28	2.50	0.88	\$ 21.51	\$ 43.02	
60 gallon	8.43	4.58	5.33	2.44	0.68	\$ 21.46	\$ 42.92	8.66	4.70	0.49	5.55	2.50	0.88	\$ 22.78	\$ 45.56	
95 gallon	8.43	4.58	7.75	2.44	0.68	\$ 23.88	\$ 47.76	8.66	4.70	0.49	8.07	2.50	0.88	\$ 25.30	\$ 50.60	
40 gallon extra	5.29	-	-	0.04	0.28	\$ 5.61	\$ 11.22	5.43	-	0.20	-	0.04	0.36	\$ 6.03	\$ 12.06	
60 gallon extra	6.61	-	-	0.05	0.35	\$ 7.01	\$ 14.02	6.79	-	0.25	-	0.05	0.45	\$ 7.54	\$ 15.08	
95 gallon extra	9.26	-	-	0.09	0.49	\$ 9.84	\$ 19.68	9.51	-	0.35	-	0.10	0.63	\$ 10.59	\$ 21.18	
40 gallon hardship	4.78	4.58	4.11	2.63	0.49	\$ 16.59	\$ 33.18	4.91	4.70	0.35	4.28	2.70	0.64	\$ 17.58	\$ 35.16	
60 gallon hardship	5.18	4.58	5.33	2.61	0.51	\$ 18.21	\$ 36.42	5.32	4.70	0.36	5.55	2.68	0.66	\$ 19.27	\$ 38.54	
95 gallon hardship	5.36	4.58	7.75	2.60	0.52	\$ 20.81	\$ 41.62	5.50	4.70	0.36	8.07	2.67	0.67	\$ 21.97	\$ 43.94	