



## TOWN OF APPLE VALLEY TOWN COUNCIL STAFF REPORT

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**To:** Honorable Mayor and Town Council      **Date:** June 24, 2014  
**From:** Marc Puckett, Assistant Town Manager      **Item No:** 9  
**Subject:** ADOPT RESOLUTION NO. 2014-24 - A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON TRASH USER FEE INCREASES IN AN AMOUNT OF BETWEEN 9.50% AND 9.85% 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

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### RECOMMENDED ACTION:

That Town Council adopt Resolution 2014-24 stating its intention to hold a Public Hearing on August 12, 2014, to increase trash user fees in an amount of between 9.5% and 9.85%, and, providing direction to staff to proceed with the special notice proceeding 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 and costs of providing the service. The Service Rate calculation was performed and resulted in an increase of 9.5% from the preceding period. This increase in the Service Rate is requested due to increased costs incurred 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 2014-24, 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 August 12, 2014. 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 August 13, 2014.

**ATTACHMENTS:**

- 1) Resolution Number 2014-24
- 2) Rate Increase Worksheets by Type of Service

**RESOLUTION NO. 2014-24**

**A RESOLUTION SETTING THE TIME AND PLACE FOR A PUBLIC HEARING ON TRASH USER FEE INCREASES IN AN AMOUNT OF BETWEEN 9.50% AND 9.85% 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 between 9.50% and 9.85% monthly in order to recapture the additional amount charged to it by Burrtec Waste Industries, Inc. and other purposes; 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: August 12, 2014  
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 August 12, 2014. 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 24<sup>th</sup> day of June, 2014.

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Art Bishop, Mayor

**ATTEST:**

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LaVonda M-Pearson, Town Clerk









Commercial Recycling

Service Level	Current 2012 - Effective 2/1/2013				2013 Cost Component Adjustment				Proposed 2014 - Effective 7/1/2014				Rate \$ Increase	Rate % Increase
	2.65% 2011 CPI Recycling	7/1-10/1/13 2012 Rate Adjustment	2.65% 2011 CPI Admin/MPF	6% Franchise Fee Total	2.03% 2012 CPI Recycling	2.03% 2012 CPI Admin/MPF	1.08% 2013 CPI Recycling	1.08% 2013 CPI Admin/MPF	16% Franchise Fee	Total	Rate \$ Increase	Rate % Increase		
60 gallon	6.85	0.25	0.07	0.45	7.63	7.25	0.07	7.33	0.07	1.61	8.01	1.38	18.16%	
1.5 - 1x	31.09	1.13	0.39	2.06	34.67	32.88	0.40	33.24	0.40	7.30	40.94	6.27	18.06%	
1.5 - 2x	62.17	2.28	0.76	4.11	69.33	65.76	0.78	66.47	0.78	14.59	81.05	12.52	18.07%	
1.5 - 3x	93.26	3.42	1.16	6.17	104.01	98.64	1.18	99.71	1.19	21.89	122.79	18.78	18.06%	
1.5 - 4x	124.35	4.56	1.54	8.23	136.88	131.53	1.57	132.95	1.59	29.18	163.72	26.04	18.05%	
1.5 - 5x	155.44	5.70	1.92	10.29	173.34	164.41	1.86	166.19	1.89	38.48	204.65	31.31	18.06%	
1.5 - 6x	186.53	6.85	2.30	12.34	208.02	197.30	2.35	199.43	2.38	43.78	245.59	37.57	18.06%	
1.5 - 7x	217.61	7.98	2.69	14.40	242.88	230.17	2.74	232.68	2.77	51.07	286.50	43.82	18.06%	
2.0 - 1x	41.39	1.51	0.50	2.74	46.14	43.77	0.51	44.24	0.52	9.71	54.47	8.33	18.05%	
2.0 - 2x	82.81	3.04	1.03	5.48	92.36	87.59	1.05	88.54	1.06	19.44	109.04	16.89	18.06%	
2.0 - 3x	124.18	4.55	1.54	8.22	138.49	131.34	1.57	132.76	1.59	29.14	163.49	25.00	18.05%	
2.0 - 4x	165.58	6.08	2.06	10.96	184.87	175.14	2.10	177.03	2.12	38.86	218.01	33.34	18.05%	
2.0 - 5x	206.99	7.59	2.56	13.70	230.83	218.90	2.61	221.29	2.64	48.58	272.51	41.86	18.05%	
2.0 - 6x	248.40	9.11	3.04	16.44	276.99	262.74	3.10	265.59	3.13	58.30	327.01	50.02	18.06%	
2.0 - 7x	289.77	10.63	3.59	19.17	323.15	306.48	3.65	309.80	3.69	68.00	381.49	58.34	18.05%	
3.0 - 1x	62.11	2.28	0.76	4.11	69.26	65.70	0.78	66.41	0.79	14.59	81.78	12.52	18.07%	
3.0 - 2x	124.21	4.55	1.53	8.22	138.51	131.37	1.56	132.79	1.59	29.15	163.52	25.01	18.06%	
3.0 - 3x	186.34	6.83	2.30	12.33	207.80	197.09	2.35	199.22	2.38	43.73	245.33	37.53	18.06%	
3.0 - 4x	248.44	9.11	3.05	16.44	277.04	262.78	3.11	265.62	3.14	58.31	327.07	50.03	18.06%	
3.0 - 5x	310.56	11.40	3.83	20.55	346.34	328.49	3.91	332.04	3.95	72.89	408.88	62.54	18.06%	
3.0 - 6x	372.66	13.68	4.59	24.68	415.56	394.17	4.67	399.43	4.72	87.46	490.81	75.05	18.06%	
3.0 - 7x	434.75	15.95	5.38	28.77	484.84	463.85	5.49	464.82	5.55	102.03	572.40	87.56	18.06%	
4.0 - 1x	82.80	3.04	1.03	5.48	92.35	87.59	1.05	88.53	1.06	19.43	109.02	16.67	18.05%	
4.0 - 2x	165.58	6.08	2.06	10.96	184.63	175.12	2.10	177.01	2.12	38.86	217.99	33.34	18.05%	
4.0 - 3x	248.37	9.11	3.04	16.44	276.96	262.71	3.10	265.55	3.13	58.29	326.97	50.01	18.06%	
4.0 - 4x	331.13	12.14	4.08	21.91	369.26	350.24	4.16	354.02	4.20	77.71	435.93	66.67	18.06%	
4.0 - 5x	413.91	15.18	5.10	27.39	461.57	437.80	5.20	442.53	5.26	97.14	544.93	83.36	18.06%	
4.0 - 6x	496.70	18.21	6.13	32.87	553.91	525.37	6.25	531.04	6.32	116.57	653.93	100.02	18.06%	
4.0 - 7x	579.46	21.25	7.15	38.34	646.23	612.93	7.30	619.55	7.38	136.00	762.93	116.70	18.06%	
<b>Commitment</b>														
6.0 - 1x	124.21	4.55	1.67	8.22	138.65	131.57	1.70	132.79	1.72	29.15	163.86	25.01	18.04%	
6.0 - 2x	248.46	9.11	3.32	16.44	277.32	262.79	3.39	265.63	3.43	58.31	327.37	50.05	18.05%	
6.0 - 3x	372.65	13.68	5.04	24.66	418.01	394.16	5.14	398.42	5.20	87.46	481.08	75.07	18.04%	
6.0 - 4x	496.80	18.23	6.89	32.88	554.70	525.59	6.83	511.27	6.90	116.62	654.79	100.09	18.04%	
6.0 - 5x	621.11	22.78	8.39	41.10	693.98	659.98	8.56	664.06	8.65	145.77	818.48	125.10	18.04%	
6.0 - 6x	745.34	27.33	10.05	49.32	832.04	788.35	10.25	796.86	10.36	174.92	882.14	150.10	18.04%	
6.0 - 7x	869.54	31.89	11.75	57.54	970.72	919.73	11.89	929.86	12.12	204.07	1,145.85	175.13	18.04%	

Town of Apple Valley  
Rate Worksheet

**Rolloff - Permanent Service**

Service Level	Tons	Current 2012 - Effective 2/1/2013					2013 Cost Component Adjustment					Proposed 2014 - Effective 7/1/2014					Rate \$ Increase	Rate % Increase	
		2.69% 2011 CPI Trash	2.69% 2011 CPI Recycling	6% 2011 CPI Landfill	6% 2011 CPI Admin/MRF	Total	2.03% 2012 CPI Trash	2.03% 2012 CPI Recycling	1.08% 2013 CPI Landfill	1.08% 2013 CPI Admin/MRF	Total	2.03% 2012 CPI Trash	2.03% 2012 CPI Recycling	1.08% 2013 CPI Landfill	1.08% 2013 CPI Admin/MRF	Total			
10 cubic yard	10	180.93	1.30	Actual Disposal	11.63	n/a	\$	193.86	184.60	1.33	186.59	1.34	Actual Disposal	41.25	n/a	\$	229.18	\$ 35.32	18.22%
20 cubic yard	10	180.93	1.30	Actual Disposal	11.63	n/a	\$	193.86	184.60	1.33	186.59	1.34	Actual Disposal	41.25	n/a	\$	229.18	\$ 35.32	18.22%
30 cubic yard	6	180.93	1.30	Actual Disposal	11.63	n/a	\$	193.86	184.60	1.33	186.59	1.34	Actual Disposal	41.25	n/a	\$	229.18	\$ 35.32	18.22%
40 cubic yard	6	180.93	1.30	Actual Disposal	11.63	n/a	\$	193.86	184.60	1.33	186.59	1.34	Actual Disposal	41.25	n/a	\$	229.18	\$ 35.32	18.22%
30 cubic yard - compactor	8	180.93	1.30	Actual Disposal	11.63	n/a	\$	193.86	184.60	1.33	186.59	1.34	Actual Disposal	41.25	n/a	\$	229.18	\$ 35.32	18.22%

**Rolloff - Temporary Service**

Service Level	Tons	Current 2012 - Effective 2/1/2013					2013 Cost Component Adjustment					Proposed 2014 - Effective 7/1/2014					Rate \$ Increase	Rate % Increase	
		2.69% 2011 CPI Trash	2.69% 2011 CPI Recycling	\$50.79 2011 CPI Landfill	6% 2011 CPI Admin/MRF	Total	2.03% 2012 CPI Trash	2.03% 2012 CPI Recycling	1.08% 2013 CPI Landfill	1.08% 2013 CPI Admin/MRF	Total	2.03% 2012 CPI Trash	2.03% 2012 CPI Recycling	\$51.06 2013 CPI Landfill	1.08% 2013 CPI Admin/MRF	Total			
10 cubic yard	10	180.93	1.30	507.90	44.05	n/a	\$	734.18	184.60	1.33	186.59	1.34	510.60	153.34	n/a	\$	851.87	\$ 117.69	16.03%
20 cubic yard	10	180.93	1.30	507.90	44.05	n/a	\$	734.18	184.60	1.33	186.59	1.34	510.60	153.34	n/a	\$	851.87	\$ 117.69	16.03%
30 cubic yard	6	180.93	1.30	304.74	31.08	n/a	\$	518.05	184.60	1.33	186.59	1.34	306.36	108.50	n/a	\$	602.79	\$ 84.74	16.38%

Town of Apple Valley  
Rate Worksheet

**Extra Services**

Service	Current 2012 Rate Effective 2/1/2013	Proposed 2014 Effective 7/1/2014	Rate \$ Increase	Rate % Increase
Temporary Bin 3 cubic yard - 7 days use Dump and return	\$ 98.00 \$ 98.00	\$ 116.00 \$ 116.00	\$ 18.00 \$ 18.00	18.37% 18.37%
<u>Additional Bin Fees</u> Locking Bin Contamination Fee -Recycling Bin Extra Bin Pickup	\$ 10.00 \$ 40.00 \$ 43.41	\$ 11.46 \$ 45.85 \$ 51.32	\$ 1.46 \$ 5.85 \$ 7.91	14.63% 14.63% 18.22%
<u>Additional Rolloff Fees</u> Dry Run Rental Fees (1)	\$ 50.00 \$ 154.00	\$ 58.12 \$ 176.54	\$ 8.12 \$ 22.54	16.24% 14.63%

**RENTAL CHARGES:**

Permanent Boxes

A minimum of four (4) loads per month is needed for boxes to be serviced on a permanent basis.  
The weekly rental fee will be charged on weeks that no service has been scheduled.