

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF THE COUNTY OF SAN BERNARDINO
AND RECORD OF ACTION**

May 19, 2020

FROM

BRENDON BIGGS, Interim Director, Department of Public Works - Solid Waste Management

SUBJECT

Public Hearing Pursuant to Proposition 218 and Amendment to Solid Waste Handling Franchise Agreements

RECOMMENDATION(S)

Conduct a public hearing pursuant to Proposition 218 and approve the following 19 amended Solid Waste Handling Franchise Agreements for various County Franchise Areas (CFA) within the unincorporated portion of the County to add an Organics Waste Recycling Program and update/add definitions and Exhibits:

1. Burrtec Waste Industries for CFA 1 – San Antonio Heights, Mt. Baldy, portions of Lytle Creek. (Agreement No. 09-600A-6)
2. Burrtec Waste Industries for CFA 2 – sphere of the cities of Montclair and Upland. (Agreement No. 09-601A-6)
3. USA Waste of California for CFA 3 – sphere of the City of Chino. (Agreement No. 09-602A-5)
4. Burrtec Waste Industries for CFA 5 – sphere of the City of Fontana. (Agreement No. 09-603A-6)
5. Burrtec Waste Industries for CFA 6 – community of Bloomington. (Agreement No. 09-604A-7)
6. Burrtec Waste Industries for CFA 8 – Muscoy, South Cajon Pass, sphere of the City of San Bernardino. (Agreement No. 09-605A-8)
7. Burrtec Waste Industries for CFA 9 – El Rancho Verde community (Rialto). (Agreement No. 09-606A-6)
8. Jack's Disposal, Incorporated for CFA 10 – Devore and the sphere of the City of San Bernardino. (Agreement No. 09-607A-6)
9. Burrtec Waste Industries for CFA 11 – sphere of the City of Loma Linda. (Agreement No. 09-608A-5)
10. Empire Disposal, LLC for CFA 12 – Mentone, Oak Glen, sphere of the City of Redlands, Mountain Home and Angeles Oaks. (Agreement No. 09-609A-8)
11. Mountain Disposal Services, Inc. for CFA 16 – Crestline, Running Springs, Lake Arrowhead, Green Valley Lake, and Blue Jay. (Agreement No. 09-611A-6)
12. Advance Disposal Company for CFA 18 – Spring Valley Lake, County unincorporated area adjacent to Hesperia and Apple Valley. (Agreement No. 09-613A-5)
13. Burrtec Waste Industries for CFA 19 – sphere of the City of Victorville, Town of Apple Valley and the City of Adelanto, Landers and Lucerne Valley. (Agreement No. 09-614A-5)
14. CR&R for CFA 20 – Portions of Phelan, and Pinon Hills and the sphere of the City of Adelanto. (Agreement No. 09-615A-5)

**Public Hearing Pursuant to Proposition 218 and Amendment to Solid Waste Handling Franchise Agreements
May 19, 2020**

15. USA Waste of California for CFA 21 – Trona, Windy Acres, Four Corners and Red Mountain. (Agreement No. 09-616A-6)
 16. Burrtec Waste Industries for CFA 22 – unincorporated area northwest of the City of Adelanto. (Agreement No. 09-617A-5)
 17. Burrtec Waste Industries for CFA 23 – sphere of the City of Barstow and Lenwood-Hinkley. (Agreement No. 09-618A-5)
 18. Burrtec Waste Industries for CFA 24 – Yermo, Daggett and Newberry Springs. (Agreement No. 09-619A-5)
 19. Burrtec Waste & Recycling Services, LLC for CFA 25 – Joshua Tree, sphere of the Town of Yucca Valley and Morongo Valley. (Agreement No. 09-620A-5)
- (Presenter: Brendon Biggs, Interim Director, 387-7906)

COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES

Operate in a Fiscally-Responsible and Business-Like Manner.

Provide for the Safety, Health and Social Service Needs of County Residents.

FINANCIAL IMPACT

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost) as the Department of Public Works - Solid Waste Management Division (SWMD) is financed by fee revenue. SWMD establishes the Refuse Franchise Fee, which is included in the County Fee Ordinance, to manage the franchise agreements in order to meet the mandate of providing solid waste handling services in the unincorporated areas of the County. Sufficient appropriation and revenue are included in SWMD's 2019-20 budget and will be included in future recommended budgets.

BACKGROUND INFORMATION

The current Solid Waste Handling Franchise Agreements were substantially revised and approved by the Board of Supervisors (Board) on June 16, 2009 (Item No. 92). The County's solid waste franchise program provides for affordable and adequate solid waste handling services in a manner that protects the health and safety of the community and establishes waste reduction and recycling programs in compliance with the Integrated Waste Management Act of 1989 (AB939).

Assembly Bill (AB) 1826 requires businesses to recycle their organic waste and local jurisdictions to implement organic waste recycling programs to divert organic waste generated from businesses from landfills. The proposed amendments to the Solid Waste Handling Franchise Agreements will (1) add commercial food waste rates in the valley area County Franchise Areas (CFAs), (2) add an Organic Waste Recycling Program in all CFAs that includes outreach, education and monitoring, and (3) add/replace and revise certain exhibits. This will assist businesses and the County in meeting the requirements of AB 1826. The amendment for Agreement No. 09-611A-5 covering CFA 16 will also revise residential Clean Mountain service rates in order to address the increase in permitting fees assessed by the Local Enforcement Agency at various clean mountain sites. The amendments for Agreement No. 09-604A-7, Agreement No. 09-607A-6, and Agreement No. 09-614A-5 covering CFA 6, 10, and 19, respectively, will also add Green Waste and Recycling service rates that mirror existing rates for other sectors within each CFA.

The proposed amendment updates the Proposition 218 notice for the current annual rate adjustment methodology that was approved by the Board on November 18, 2014 (Item No. 71). The adjustment methodology uses cost indices and weightings that are specific to each of the

**Public Hearing Pursuant to Proposition 218 and Amendment to Solid
Waste Handling Franchise Agreements
May 19, 2020**

cost components that make up the total rate and accurately represent the change in the cost of providing service. This approach allows annual rate adjustments to be region and hauler specific rather than a one-size-fits-all approach.

Pursuant to Proposition 218 requirements, parcel owners and tenants were mailed a notice of the County's intent to amend the existing franchise agreements to add food waste rates in valley areas and update the Proposition 218 notice for the rate adjustment methodology, which will be used to calculate the annual Cost of Living Adjustment (COLA) as of July 1, 2020. The Proposition 218 notices were mailed on or before April 3, 2020. Each owner/tenant has at least 45 days to submit a written protest to the COLA calculation methodology or new rates. Due to some administrative issues with noticing timelines, the amendment for Big Bear Disposal, CFA 17, for the areas of Fawnskin, Baldwin Lake and Lake Williams will come before the Board at a future date.

PROCUREMENT

Not applicable.

REVIEW BY OTHERS

This item has been reviewed by County Counsel (Jolena Grider, Deputy County Counsel, 387-5455) on April 20, 2020; Finance (Jessica Trillo, Administrative Analyst, 387-4222) on April 30, 2020; and County Finance and Administration (Matthew Erickson, County Chief Financial Officer, 387-5423) on May 4, 2020.

**Public Hearing Pursuant to Proposition 218 and Amendment to Solid
Waste Handling Franchise Agreements
May 19, 2020**

Record of Action of the Board of Supervisors
County of San Bernardino

Hearing Opened
Public Comment: Hellin Kay

CONTINUED TO JUNE 9, 2020

Moved: Curt Hagman Seconded: Josie Gonzales
Ayes: Robert A. Lovingood, Janice Rutherford, Dawn Rowe, Curt Hagman, Josie Gonzales

Lynna Monell, CLERK OF THE BOARD

BY 
DATED: May 19, 2020



cc: File - Solid Waste Management Division
jm 05/27/2020