

RESOLUTION NO. 2023-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA TO ADOPT INCREASED SOLID WASTE COLLECTION CHARGES

WHEREAS, the Legislature of the State of California, by enactment of Assembly Bill 939 of 1989 Act (California Public Resources Code Section 40000 et seq.), has declared that it is in the public interest to authorize and require local agencies to make adequate provisions for solid waste handling within their jurisdiction; and

WHEREAS, pursuant to California Public Resources Code Section 40059 (a)(1), the City Council of the City of Pomona (City) has determined that the public health, safety, and welfare require that an exclusive franchise agreement be awarded to qualified solid waste enterprise for solid waste handling services within the City; and

WHEREAS, the City Council, during its regular meeting on December 5, 2023, approved the award of an exclusive franchise agreement to Athens Services for the provision of Residential and Commercial Garbage, Recyclable Materials, and Organics Waste Collection Services; and

WHEREAS, the exclusive franchise agreement with Athens Services included the rates to be charged for the collection of Residential and Commercial Garbage, Recyclable Materials, and Organics Waste Collection Services; and

WHEREAS, Article XIII D of the California Constitution imposes certain procedural and substantive requirements relating to assessments (as defined); and Proposition 218, Article XIII D Section 2(e) defines “fee” as any levy or charge imposed upon real property by an agency “as an incident of property ownership, including a user fee or charge for a property related service.” Article XIII D Section 2(h) defines “property related service as a “public service having direct relationship to property ownership.”

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. The Recitals set forth above are true and correct.

SECTION 2. The City Council hereby declares its intention to provide and collect fees for solid waste collection services provided to all record owners within the City.

SECTION 3. The services within the City include, but are not limited to: trash collection, trash disposal, yard and food waste collection and processing, recycle collection and processing, and bulky item collection.

SECTION 4. Notice of the proposed rate increases were provided to all property owners 45 days in advance of the Public Hearing in conformity with Proposition 218 and the Proposition 218 Omnibus Implementation Act, California Government Code sections 53500 et seq.

SECTION 5. At the Public Hearing, the City Council has considered all objections or protests, if any, to the proposed rate increases. At the conclusion of the Public Hearing, all written protests submitted and not withdrawn protests were tabulated in conformity with the City’s tabulation guidelines. A majority protest exists if protests are submitted in opposition to the proposed rate increases (50% plus 1) by the property owners and solid waste service customers. Although both property owners and solid waste service customers are permitted to submit protests, only one protest is counted for each parcel.

SECTION 6. The City Council hereby adopts the solid waste rates as provided in the “Notice of Public Hearing” attached as Exhibit A to the Resolution.

SECTION 7. The City Clerk shall attest and certify to the passage and adoption of this Resolution, and it shall become effective immediately upon its approval.

PASSED, APPROVED AND ADOPTED this 5th day of June, 2023.

CITY OF POMONA:

Tim Sandoval
Mayor

APPROVED AS TO FORM:

Sonia Carvalho
City Attorney

ATTEST:

Rosalia A. Butler, MMC
City Clerk

I, HEREBY CERTIFY that the foregoing resolution was duly adopted by the City Council of the City of Pomona at a regular meeting thereof held on June 5, 2023 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rosalia A. Butler, MMC
City Clerk