

**NOTICE OF PUBLIC HEARING  
BY THE CITY COUNCIL OF THE CITY OF SOUTH EL MONTE  
REGARDING THE CITY'S RESIDENTIAL AND COMMERCIAL  
SOLID WASTE REFUSE COLLECTION CHARGES AND NEW RATES**

Dear Business, Resident/Property Owner,

**NOTICE IS HEREBY GIVEN** that the City Council of the City of South El Monte will hold a public hearing on Tuesday, September 14, 2021 at 6:00 p.m. or thereafter to consider new rates for the residential refuse collection services and disposal fees charged to residential for solid waste collection and disposal services within the City. The proposed rate structure is compelled by the State of California's passage of new solid waste collection mandates under Senate Bill 1383 (Lara) and wide-ranging regulations implementing the Bill in Title 14 of the California Code of Regulations (collectively, "SB 1383") at City Hall located at 1415 Santa Anita Avenue, South El Monte, California.

More specifically, the State of California has recently, through SB 1383, imposed the most comprehensive and significant set of State mandates relating to solid waste, recycling and organics imposed upon local jurisdictions in at least the last 30 years. The State's SB 1383 mandates range from dictating where, and in what containers, recyclable and solid waste materials may be placed, down to the color of such containers. SB 1383 requires a comprehensive host of new waste hauler and City requirements with respect to reporting to the State (State oversight), enforcement mandates, food recovery programs, and costly educational outreach, amongst other mandates. Complying with these new State mandates imposes substantial costs on both the City and the waste hauler, thus compelling the proposed rate schedule attached hereto as Exhibit "A".

**NO CHANGE TO COMMERCIAL AND MULTIFAMILY RATES ARE PROPOSED.** The commercial and multifamily rates were previously updated on June 25, 2019 and will remain unchanged.

The solid waste disposal services in the City are performed by Arakelian Enterprises, Inc., a California corporation d/b/a/ Athens Services ("Athens"). Residential properties with cart service are billed on a quarterly basis, and multi-family and commercial customers are billed on a monthly basis. For these purposes, all definitions of "commercial," "residential" and "multi-family" will be based on those definitions mandated by the State in SB 1383.

**INFORMATION ABOUT THE CHARGES**

A. **Background:** The City Council has previously determined the collection and disposal of refuse in the City is a service to be performed by a private company, under an exclusive franchise agreement. The exclusive franchise agreement with Athens was approved by the City Council on September 13, 2000, and thereafter amended (the "Franchise Agreement"). The maximum rates for solid waste collection services for calendar year 2021, to be considered at the Public Hearing on September 14, 2021 include charges for weekly residential service based on the size of cart requested, commercial service based on size of containers, and frequency of service, as well as special charges for specific services including bin rental and other related services.

Senior/Low Volume discounts are provided for use of a small disposal cart. Those suffering from temporary or permanent disability and without assistance to pull out their trash carts to the street are offered assistance (pull-out service) by the waste hauler free of charge.

**B. Basis upon which the charges were calculated and reasons for the charge:** Your refuse bills compensate Athens for the costs of providing refuse services, including all labor, equipment, material, supplies, supervision and all other items necessary to perform the work and provide the services described in the Franchise Agreement. The proposed increase in rates reflects additional services provided by Athens under the Franchise Agreement, and including without limitation, regular inflationary cost increases, increased costs of providing State-required organics diversion programs and compliance with other recent changes in State law, and major changes in the costs of providing recycling services as a result of certain adverse developments in the recycling markets.

The rate adjustment methodology provides for an adjustment to the rate adjustment index for each respective cost component for the twelve-month (12-month) period ending December prior to the rate year anniversary date for changes in the consumer price index for trash and garbage collection and one percentage point above that to compensate the waste hauler for ongoing operation and maintenance costs, in addition to fees of the franchisee.

The maximum rates for solid waste collection services are for the operation and administration of the refuse disposal and recycling programs implemented by the franchisee in accordance with the Franchise Agreement and State law, as well as to cover certain governmental fees, and franchise fees. The primary factors for the proposed new rate structure pertain to regular inflationary cost increases, increased costs of providing State-required organics diversion programs and other recently enacted State mandates, and changes in overseas recycling markets.

**C. Charge per account.** The proposed rates starting January 1, 2022 for residential customers serviced by Athens are set forth in Exhibit "A". The proposed rates will go into effect on January 1, 2022 and will be billed on the first monthly commercial bill and quarterly residential bill.

### **ABILITY TO PROTEST**

Owners of real property subject to the rate increases (and lessees/commercial or single family/multi-family customers of such property who actually pay the rates) in the City of South El Monte, who wish to protest the new rates can send in a written protest to the City Clerk at the address below and/or attend the public hearing on the increases to register their written protest at the hearing. Only one written protest per residential or commercial parcel in the city's service area (i.e. address/assessor parcel number) will be counted. Written protests must be received by the City Clerk, either by mail or in-person delivery, prior to or during the public hearing on September 14, 2021. Any written protests received following the close of the public hearing will not be counted.

All written protests must, at a minimum, include the following information to be counted: (a) address or assessor parcel numbers of property subject to the new rates, (b) name and signature of the protester and whether the protester is a property owner or service account holder and (c) a clear statement protesting the rates pursuant to this notice. Written protests by electronic mail (email) or fax will not be accepted.

This protest hearing is being conducted in accordance with Article XIID of the California Constitution. The City Council will not implement the new rates and fees should a majority written protest against the proposed rates and fees be received on all identified residential or commercial parcels in the City's service area.

Any additional information on the proposed fee structure may be obtained from the City's Public Works Department at 1415 Santa Anita Avenue, South El Monte, CA 91733. Additional information and a copy of this Notice is also available on the City of South El Monte website at [cityofsouthelmonte.org](http://cityofsouthelmonte.org).

If you challenge this proposal in court, you may be limited to raising only those issues you, or someone else raised at the public hearing described in this Public Hearing Notice, or in written correspondence delivered to the City Clerk at, or prior to the Public Hearing.

DATED:        This \_\_\_\_ day of July 2021:

  
\_\_\_\_\_  
Donna G. Schwartz, CMC  
City Clerk

**EXHIBIT A**  
**SOLID WASTE RESIDENTIAL AND COMMERCIAL RATES**<sup>(1) (2)</sup>

**Rate Table - Solid Waste / Recycling / Organics**

**City of South El Monte**

*~ Total Monthly Standard Rates for the Collection of Solid Waste, Recyclables, Yard Waste and other Compostables*

*~ Proposed annual rate adjustment methodology is "Consumer Price Index (CPI) for All Urban Consumers: Water and Sewer and Trash Collection" + 1%*

Type of Service	Effective Jan 1, 2022	Effective Jul 1, 2022	Effective Jul 1, 2023	Effective Jul 1, 2024	Effective Jul 1, 2025	Effective Jul 1, 2026
<i>Residential Services:</i>						
Regular 96-Gallon Cart Service (all 3 carts)	\$5.97	(Annual CPI-U + 1%) + \$5.97	(Annual CPI-U + 1%) + \$5.97	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%
Regular 64-Gallon Cart Service (all 3 carts)	\$5.30	(Annual CPI-U + 1%) + \$5.30	(Annual CPI-U + 1%) + \$5.30	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%
Senior / Low Volume 35-Gallon Cart Service (all 3 carts)	\$4.72	(Annual CPI-U + 1%) + \$4.72	(Annual CPI-U + 1%) + \$4.72	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%
Additional 96-Gallon Cart (all material)	\$2.67	(Annual CPI-U + 1%) + \$2.67	(Annual CPI-U + 1%) + \$2.67	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%
Additional 64-Gallon Cart (all material)	\$2.00	(Annual CPI-U + 1%) + \$2.00	(Annual CPI-U + 1%) + \$2.00	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%
Additional 35-Gallon Cart (all material)	\$1.33	(Annual CPI-U + 1%) + \$1.33	(Annual CPI-U + 1%) + \$1.33	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI + 1%
Commercial 3-Yard Bin, Qty: 1, 1 day/week pickup	\$294.00	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%
Multi-Family 3-Yard Bin, Qty: 1, 1 day/week pickup	\$282.66	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%
Roll-off Service (per occurrence)	\$1,200.54	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%	Annual CPI-U + 1%

(1) Rate increases that exceed the maximum rates above will require a new majority protest hearing process pursuant to California Proposition 218, Cal. Const. Article XIII D, Section 6(a). Otherwise, annual adjustments shall be based on the actual CPI-U, as defined by the CPI-U Index cited in this Notice. Thus, actual rates may be lower than those identified above if the actual CPI-U escalation is lower than the maximums above.

(2) Not all rates identified above constitute "property-related fees" subject to the majority protest process under Proposition 218. The City has nonetheless provided a full schedule of all fees in furtherance of public transparency.