

RESOLUTION NO. 2022-244

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
DECLARING ITS INTENTION TO CONDUCT A PUBLIC
HEARING ON FEBRUARY 15, 2023, TO CONSIDER
ADJUSTING THE MAXIMUM PERMITTED SERVICE
RATES FOR INTEGRATED SOLID WASTE COLLECTION,
PROCESSING AND DISPOSAL SERVICES**

WHEREAS, Burrtec Waste Industries, Inc. (“Burrtec”) provides refuse, recycling, organic waste collection, processing and disposal, street sweeping, and right-of-way clean up services to the City of San Bernardino (“City”) pursuant to an exclusive franchise agreement with the City; and

WHEREAS, as a result of regulations implementing Senate Bill (SB) 1383 (Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions) that took effect January 1, 2022, organic waste can no longer be disposed of in landfills and organic waste collection services must be extended to all residents and businesses; and

WHEREAS, SB 1383 directed the California Department of Resources Recycling and Recovery (“CalRecycle”) to adopt certain regulations to implement SB 1383 (the “SB 1383 Regulations”); and

WHEREAS, to comply with the SB 1383 Regulations, the City is currently negotiating with Burrtec to provide the necessary services; and

WHEREAS, increases to the Maximum Permitted Service Rates for Integrated Solid Waste Collection, Processing and Disposal Services are necessary in order for the City to comply with the SB 1383 Regulations; and

WHEREAS, the Mayor and City Council desire to conduct a proceeding to adjust the Maximum Permitted Service Rates for a period of 5 years.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The City Council of the City of San Bernardino hereby declares its intention to conduct a public hearing to consider adjusting the Maximum Permitted Service Rates for Integrated Solid Waste Collection, Processing and Disposal Services.

SECTION 2. The hour of 7:00 p.m. on Wednesday, February 15, 2023, or as soon as possible thereafter, in the Feldheym Central Library, 555 West 6th Street, San Bernardino, California, 92410, is fixed as the time and place of the public hearing for the Mayor and City

Council to consider adjusting the Maximum Permitted Service Rates for Integrated Solid Waste Collection, Processing and Disposal Services.

SECTION 3. In conformity with Article XIII D, Section 6 of the California Constitution, the Mayor and City Council will consider written protests to the proposed adjustment to the Maximum Permitted Service Rates for Integrated Solid Waste Collection, Processing and Disposal Services at the public hearing set in section 2 above. At the hearing, the Mayor and City Council will determine whether a majority protest exists.

SECTION 4. The Mayor and City Council authorizes and directs the City Manager or his or her designee to: (1) identify the parcels upon which the rates are proposed for imposition; (2) calculate the amount of the rates to be imposed on each parcel; and (3) provide written notice by mail to record owner of each identified parcel at least 45 days prior to the public hearing set in Section 2 above as required by Article XIII D, Section 6 of the California Constitution. In the event that the City Manager, or his or her designee, is unable to provide written notice by mail to the record owner of each identified parcel at least 45 days prior to the public hearing set in Section 2 above, the City Manager is authorized and directed to set the public hearing at a subsequent regular meeting of the Mayor and City Council.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 7th day of December 2022.

John Valdivia, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2022-244, adopted at a regular meeting held on the 7th day of December 2022 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this 7th day of December 2022.

Genoveva Rocha, CMC, City Clerk