

**NOTICE OF PUBLIC HEARING
PROPOSITION 218 NOTIFICATION
TO PROPERTY OWNERS AND CUSTOMERS TO CONSIDER
INCREASES TO SOLID WASTE SERVICE RATES**

Si usted necesita una copia de esta carta en español, por favor llámenos al (909) 384-5140.

Notice is hereby given that the City of San Bernardino ("City") will conduct a public hearing on February 15, 2023, at 7:00 p.m. at the Feldheym Central Library, 555 West 6th Street, San Bernardino, CA 92410 to consider adopting increases to the rates for collection, processing, and disposal of solid waste within the City (collectively, "Solid Waste Services."

The purpose of the public hearing is to consider all oral testimony and written protests to, and the adoption of, the proposed rates. This 45-day notice is hereby given in accordance with Section 6(a) of Article XIII D of the California Constitution.

Proposed Solid Waste Rates

Burrtec Waste Industries, Inc. ("Burrtec") provides Solid Waste Services within the City pursuant to an exclusive franchise agreement. Burrtec bills the customers directly for the services. Rates for Solid Waste Services are evaluated periodically to maintain an adequate rate structure to fund the costs of providing Solid Waste Services to residents and commercial businesses.

The rate structure for monthly Solid Waste Services has four customer classes: (i) mobile home, (ii) single-family, (iii) multi-family dwelling, and (iv) commercial. The rates for Solid Waste Services imposed on each customer class are determined on the basis of (i) the size of the container serving the property; (ii) the type of container (e.g., trash, recycling, or green/organic waste) serving the property; and (iii) the frequency of pickups per week.

The proposed rate increases for Solid Waste Services are necessary for Burrtec to provide mandatory organic waste collection services pursuant to regulations implementing Senate Bill 1383 (Chapter 395, Statutes of 2016). The proposed rates are calculated to recover the costs of providing weekly organic waste collection services, outreach, education, monitoring, reporting and container labeling to comply with the SB 1383 regulations, and to proportionately allocate those costs on a parcel basis among various customer classes. The rates to be imposed are set forth in Exhibit A of this Notice.

Annual Adjustments

- **CPI Adjustment:** The proposed maximum rates for Solid Waste Services in Exhibit A account for inflation, subject to a 5% cap on Maximum Permitted Service Rates. Beginning July 1, 2023, and each July 1 thereafter, through and including July 1, 2027, the then-current Maximum Permitted Service Rates will be adjusted by the 12-month annual average percentage change for the most recent calendar year, compared to the prior calendar year, in the All Urban Consumers Index (CPI-U), Not Seasonally Adjusted, All Items, Riverside-San Bernardino-Ontario, CA, as published by the U.S. Department of Labor, Bureau of Labor Statistics. If the CPI is less than 5% for any year, the actual rates (not including organic waste processing and disposal pass-through fees) charged to customers will be less than the rates in the schedule in Exhibit A.
- **Organic Waste Processing & Disposal Pass-through Fees:** The proposed maximum rates for Solid Waste Services in Exhibit A shall be adjusted annually to account for processing and disposal fees for organic waste. Beginning July 1, 2023, and each July 1 thereafter, through and including July 1, 2027, the actual processing and disposal costs for organic waste shall be passed through to customers in the rates.

The entire schedule of proposed maximum permitted rates, including miscellaneous services, are included with this letter, can be found at the City Clerk's office, address below, or on the City of San Bernardino website <http://sbcity.org/swrates>.

Public Hearing and Written Protest Process

Any property owner whose property is to be subject to the proposed increases to the rates for the Solid Waste Services and any tenant directly responsible for the payment of such fees (i.e., a customer of record) may submit a written protest to the proposed rate increases; provided, however, only one protest will be counted per identified parcel.

Written protest must include the following:

- (1) State that the identified property owner or tenant is in opposition to the proposed rate increase to the fees;
- (2) The location of the identified parcel (by assessor's parcel number or street address); and
- (3) The name and signature of the property owner or tenant submitting the protest.

If the person submitting the written protest is the owner of record but was not shown on San Bernardino County's last equalized assessment roll as the property owner, that person must provide written evidence that the person is the property owner.

Written protests may be submitted by mail or in person to the City Clerk's Office, provided they are received prior to 3 p.m. on February 15, 2023. Written protests may also be submitted to the City Clerk at the Public Hearing prior to the close of the public comment portion of the Public Hearing. Written protests submitted via e-mail will not be accepted. Please identify on the front of the envelope for any protest, whether mailed or submitted in person, Attn: Solid Waste Rates.

Written protests may be submitted as follows:

BY MAIL TO: (by February 15, 2023, 3 p.m.)	HAND DELIVERED TO CITY CLERK'S OFFICE: (by February 15, 2023, 3 p.m.)
SAN BERNARDINO CITY CLERK'S OFFICE ATTN: SOLID WASTE RATES 290 NORTH "D" STREET SAN BERNARDINO, CA 92401	SAN BERNARDINO CITY CLERK'S OFFICE ATTN: SOLID WASTE RATES 215 NORTH "D" STREET SAN BERNARDINO, CA 92401

IN PERSON AT PUBLIC HEARING: (on February 15, 2023, 7 p.m. until close of public comment)
FELDHEYM CENTRAL LIBRARY 555 WEST 6 TH STREET SAN BERNARDINO, CA 92410

The City Council will consider all written protests and hear and consider all oral comments to the proposed rate increases for Solid Waste Services and the annual rate adjustments at the Public Hearing. Oral comments at the Public Hearing will not qualify as formal protests unless accompanied by a written protest. Upon the conclusion of the Public Hearing, the City Council will consider adoption of the rate increases to the Solid Waste Services and the annual rate adjustments as described herein. If written protests against the proposed Solid Waste Services and annual rate adjustments are not presented by a majority of the property owners of the identified parcels upon which the rates are proposed to be imposed and tenants directly responsible for the payment of the Solid Waste Services fees, the City Council will be authorized to impose the Solid Waste Services and annual rate adjustments as outlined above. If adopted, the proposed rate increases

will take effect beginning March 1, 2023. The City is conducting this Proposition 218 majority protest proceeding out of an abundance of caution and without conceding the applicability of Proposition 218 to Solid Waste Services.

Questions

If you have questions regarding this notice or how your rates will be affected, please visit <http://sbcity.org/swrates>. You can also call (909) XXX-XXXX or insert@sbcity.org.

EXHIBIT A
MAXIMUM PERMITTED SOLID WASTE SERVICE RATES

[rates for selected Option to be inserted]