



MONTARA WATER AND SANITARY DISTRICT AGENDA

For Meeting Of: **December 1, 2022**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager 

**SUBJECT: Review and Possible Action Concerning
Establishment of Prop 218 Limits for Solid Waste
Disposal Fee Increase.**

The franchise agreement with Recology of the Coast requires the District to annually assess the solid waste disposal rates by January 1 in accordance with an agreed upon formula. Pursuant to the franchise agreement, Recology of the Coast provided calculations required for the index-based rate increase effective January 1, 2023 resulting in a 5.61% rate increase. The monthly rate for 32 gallon waste container would increase from currently \$36.22 to \$38.25.

Notices were mailed in October 2022 to all 1736 property owners and customers in Montara and Moss Beach notifying them about the planned rate increase for January 1, 2023. At the preparation of this agenda item no (0) written protests have been received. However, a full final count will be made at the public hearing since more may be received by that time.

The purpose of this meeting is to formally count the number of written protests received. If written protests are submitted against the proposed fees or against a particular fee by the owners of a majority of the parcels, the fees or fee will not become effective.

RECOMMENDATION:

Open the public hearing, allow relevant testimony, close the public hearing and count all allowable Prop 218 protests received. Determine whether or not the proposed rate limits should be approved in accordance with Prop 218. Adopt ORDINANCE NO.____, ORDINANCE OF THE MONTARA WATER AND SANITARY DISTRICT ESTABLISHING MAXIMUM RATES FOR THE COLLECTION, REMOVAL AND DISPOSAL OF REFUSE AND FOR RECYCLING SERVICES EFFECTIVE JANUARY 1, 2023.

Attachments

ORDINANCE NO. _____

**ORDINANCE OF THE MONTARA WATER AND SANITARY DISTRICT
ESTABLISHING MAXIMUM RATES FOR THE COLLECTION, REMOVAL AND
DISPOSAL OF REFUSE AND FOR RECYCLING SERVICES EFFECTIVE
JANUARY 1, 2023**

**THE BOARD OF THE MONTARA WATER AND SANITARY DISTRICT, A
PUBLIC AGENCY IN THE COUNTY OF SAN MATEO, CALIFORNIA, DOES ORDAIN
AS FOLLOWS:**

Section 1. Findings. The Board of the Montara Water and Sanitary District hereby finds and declares that:

a. Pursuant to the provisions of Section 6 of Article XIII D of the California Constitution, this Board adopted Ordinance No. 199, which established maximum rates to be charged by Recology of the Coast (“Recology”), the District's franchisee for the collection, removal and disposal of refuse and for recycling services (“Solid Waste Services”) for properties within the District commencing January 1, 2022.

b. The franchise provides for annual revisions to the schedule of fees and charges for the Solid Waste Services.

c. The schedule of maximum fees and charges hereinafter approved and adopted implement the intention of the parties to the franchise to provide compensation to Recology corresponding to costs of providing such Services.

d. The parcels upon which the proposed fees or charges for Solid Waste Services were identified and the amount of such fee or charge was calculated, and the District provided written notice by mail of the proposed fee or charge to the record owners of each identified parcel, the amount of the fee or charge, the basis upon which the amount of the fee or charge was calculated, the reason for the fee or charge, together with the date, time, and location of the public hearing on the proposed fees or charges in accordance with the provisions of Section 6 of Article XIII D of the California Constitution.

e. On December 1, 2022, not less than 45 days after mailing of the aforesaid notice, a public hearing on the proposed fees and charges set forth herein for the Solid Waste Services for all occupied premises (except agricultural premises) was held by this Board and all persons present at the hearing and interested in the matter were

heard or given the opportunity to be heard on the question of enactment of said fees and charges.

f. This Board considered all protests against the proposed fees or charges for said Solid Waste Services and written protests against said fees or charges were not presented by a majority of owners of the identified parcels.

g. Revenues to be received from the fees and charges for the Solid Waste Services for all occupied premises (except agricultural premises) set forth herein do not exceed the funds required to provide such Services, nor do they exceed the proportional cost of the Services attributable to the aforesaid parcels, and the revenues from said fees and charges shall not be used for any other purpose than that for which the fees and charges are imposed.

h. The fees and charges enacted by this ordinance are maximums for each corresponding rate component listed herein.

Section 2. Refuse collection and recycling rates and charges.

a. The maximum monthly rates to be charged by the District's franchisee for the collection, removal, and disposal of refuse for all occupied premises (except agricultural premises) and recycling services within the District commencing on January 1, 2023 and until thereafter revised are:

RESIDENTIAL

1. Weekly collection, single container placed in front of premises, wet and dry

garbage ("first can service") in wheeled carts:

- a. Container limits: volume - 20 gals. (3/10 cu yd), weight 40 lbs, per mo charge \$31.22
- b. Container limits: volume - 32 gals (1/4 cu yd), weight 60 lbs, per mo charge \$38.25
- c. Container limits: volume - 64 gals (1/2 cu yd), weight 100 lbs, per mo charge \$125.68

2. Special Services (charges added to above, basic changes):

- a. Container placed at side or rear of dwelling - per container \$9.56
- b. Container not placed at specified collection point and return call required- per container \$19.96
- c. Extra 30 gallon bag with collection (excludes 20 gallon cart service), per bag \$10.31
- d. Special collections combined with regular service, including collections for brush, yard clippings, boxes, etc. estimate

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|--|-----------------|
| 3. Bulky goods drop-off service four times a year within Montara District limits including greenwaste and motor oil in Recology-provided bottles only | incl. w/service |
| 4. Weekly commingled recyclable materials collection (64 gallon wheeled cart) | incl. w/service |
| 5. Every other week greenwaste (yard trimmings, etc.) collection, limited to four (4) 30 gallon containers – customers own containers | incl. w/service |
| 6. Bulky goods curbside collection service, limited to four (4) times a year
One item up to 200 lbs or 5-30 gallon bags | incl. w/service |
| 7. Dropoff at Recycling yard in Pacifica of motor oil, latex paint, unpainted lumber, large pieces of metal, styrofoam, e-waste, large white goods, furniture, mattresses, large amounts of recyclable materials | incl. w/service |
| 8. Christmas trees free of charge through January 31st of each year | incl. w/service |
| a. After January 31st charge is \$20 per tree for removal | \$20.00 |

MULTIFAMILY, COMMERCIAL AND INDUSTRIAL SERVICE

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|---|-------------------|
| 1. Service to restaurants, hotels, cafes, apartment houses, stores and similar places of business, factories, schools and institutions, wet and dry garbage-container limits: volume - 30 gal. cans (1/4 cu. Yd), weight - 75 lbs | |
| a. Regular collections: | |
| 1-64 gallon collection once per week | \$150.91 |
| 1-96 gallon collection once per week | \$246.94 |
| b. Additional 64 or 96 gallon commercial carts picked up more than once a week will be original charge times the number of pickups | Will vary by size |
| 2. Commercial Container Rental: | |
| a. 1 cubic yard box - per mo. | \$68.66 |
| b. 2 cubic yard box - per mo. | \$89.00 |
| 3. Commercial Container Collections: | |
| a. 1 cubic yard box - per collection | \$58.01 |
| b. 2 cubic yard box - per collection | \$115.43 |
| 4. Compacted Commercial Container Service: | |
| a. 1 cubic yard box - per collection | \$113.24 |
| b. 2 cubic yard box - per collection | \$228.74 |
| 5. Recyclable material collection up to five times a week | incl. w/service |

DEBRIS BOX SERVICE

1. 7, 14, 20 and 30 yard size containers:

a. Container rental, delivery and pickup charge

\$456.05

b. \$67 per ton confirmed by disposal site weight slip

Tonnage based

SPECIAL PROVISIONS

1. Financial hardship rate for weekly collection for single container placed in front of premises, wet and dry garbage 30 gallon can (PGE CARE PROGRAM)

a. 15% reduction 20-gallon can

\$26.53

b. 15% reduction 32-gallon can

\$31.47

b. The rates and charges hereby established are maximums for the listed rate components. Rates and charges equal to or less than said maximums may be enacted from time to time by separate ordinance including, without limitation, by ordinance amending, supplementing or restating the District's Master Fee Schedule; provided, that the last rate or charge or rates or charges so enacted shall remain in full force and effect until superseded by a subsequent enactment, likewise equal to, or less than, said maximums, such that said rates and charges shall in no event revert to the schedule of rates and charges in effect prior to enactment of the above rates and charges or to a lower rate than the last rate enacted pursuant hereto. Nothing herein contained shall be deemed a limitation upon the District to enact rates and charges superseding the maximum rates and charges hereby established; provided that such superseding rates and charges shall have been enacted in accordance with all legal requirements pertaining thereto.

Section 3. Effective, Operative Date. Upon adoption, this Ordinance shall be entered in the minutes of the Board and posted for one week in three (3) public places in the District, shall become effective immediately upon expiration of one week following said posting and shall be operative from and after January 1, 2023.

President

COUNTERSIGNED: _____

Secretary

I hereby certify that the foregoing Ordinance was duly and regularly passed and adopted by the Board of the Montara Water and Sanitary District, San Mateo County, California, at a regular meeting thereof held on the 1st day of December 2022, by the following vote:

AYES, and in favor thereof, Directors:

NOES, Directors:

ABSENT, Directors:

Secretary

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board of the Montara Water and Sanitary District mailed notices in accordance with Proposition 218 to all property owners of a proposed increase in solid waste disposal rates. Any written protests must be mailed or delivered to the District and received prior to the public hearing or presented and counted at the public hearing. A public hearing will be held by the Board of Directors at a meeting of the Board as follows:

DATE: December 1, 2021

TIME: 7:30 p.m., or as soon thereafter as may be heard.

PLACE: District Board Chambers
8888 Cabrillo Highway
Montara, CA 94037

Due to COVID-19, the public hearing will be held remotely and telephonically, without a physical location. Visit www.mwsd.montara.com for access information.