



Office of the City Manager

PUBLIC HEARING

May 20, 2014

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Andrew Clough, Director, Public Works

Subject: Zero Waste Residential and Commercial Refuse Collection Rate
Increases

RECOMMENDATION

Conduct a public hearing, complete the majority protest process required by Proposition 218, and upon the conclusion of the public hearing, if there is no majority protest, adopt a Resolution:

- 1) Setting rates for residential and commercial refuse collection, increasing rates as of FY 2015 by 24.7% for residential customers, and 2.5% for commercial customers;
- 2) Authorizing an annual inflator in future years to be the greater of 3% or the Bay Area Consumer Price Index; and
- 3) Rescinding Resolution No. 66,205-N.S. effective July 1, 2014.

FISCAL IMPACTS OF RECOMMENDATION

Assuming rate increases of 24.7% for residential customers, and 2.5% for commercial customers, FY 2015 revenue to the Zero Waste Fund (Fund 820) is projected to be \$36.67 million, to meet projected expenditures. To address annual cost increases, the sustainable rate structure in future years includes an annual inflator of 3% or CPI, whichever is greater.

If there is a majority protest and the current projected 2% CPI increase is instead applied to rates for residential and commercial customers, collection revenue is projected to be \$33.70 million in FY 2015, \$2.97 million less than projected expenditures.

CURRENT SITUATION AND ITS EFFECTS

An initial worksession report and presentation to discuss current operations and proposed new rates for Zero Waste took place on [December 3, 2013](#)¹. On [February 25, 2014](#)² staff

¹ Zero Waste Program December 3, 2013 Worksession:
www.cityofberkeley.info/Clerk/City_Council/2013/12Dec/City_Council_12-03-2013_-_Special_Meeting_Annotated_Agenda.aspx

² February 25, 2014 report: www.cityofberkeley.info/Clerk/City_Council/2014/02_Feb/Documents/2014-02-25_Item_22_Zero_Waste_Program.aspx

submitted the results of the rate study and a proposal for a new sustainable rate structure, with options for introducing the new rates. At that time, Council approved the option to increase Zero Waste rates for collection services starting FY 2015 at a rate of 24.7% for residential customers, and 2.5% for commercial customers, and directed staff to initiate a Proposition 218 protest proceeding and set a Public Hearing for the Zero Waste rate increases. Notices were mailed to Berkeley property owners on March 28, 2014.

The City has taken many steps to close the fund deficit over the last few years, including renegotiating contracts with vendors, eliminating positions, and implementing 1-person collection routes for residential customers. While these balancing measures reduced the gap between annual revenues and expenditures, a deficit still remained. Consequently, the City undertook a refuse rate study and proposed a new, sustainable rate structure to Council this year.

The proposed sustainable rate structure assumes:

1. Not more than 5% of residential customers reduce their container size.
2. Recycling commodities remain stable at the current market value.
3. Vendor contracts do not exceed the projected 3% annual increases.
4. Personnel expenses do not exceed the projected 3% increases.
5. No new 13 gallon containers will be offered; and 20 gallon containers will be the smallest size serviced (except for remaining 13 gallons already in service).
6. No new 96 gallon garbage containers will be offered to single-family accounts effective July 1, 2014; and no more than 2 – 96 gallon carts will be given to multi-family accounts, when possible. The expectation is this service will encourage customers to recycle, rather than place recyclable items in the garbage cart.
7. Planned capital expenditures, based on the City's 5-Year Capital Improvement Program, of \$774,124 in FY 2015; \$981,751 in FY 2016; \$964,493 in FY 2017; and an annual \$500,000 in FY 2018 and FY 2019.

The rate structure will allow for more strategic thinking by staff and Council going forward, and rates include funding sufficient to: repave and improve the Transfer Station; fund a plan to rebuild the Transfer Station (all options are being considered); implement Transfer Station underground storage tank upgrades; rebuild the Materials Recovery Facility (MRF) if other processing options are not chosen; hire a consultant for recycling outreach and education; and execute a temporary high diversion materials processing contract to assist with achieving recycling goals.

The outcome of the Proposition 218 process discussed in this report will determine the rates to be levied as of FY 2015.

BACKGROUND

As a self-supporting enterprise fund, the Zero Waste Fund must generate revenue to meet its expenses. Zero Waste programs and services include residential and commercial refuse collection and disposal; recycling and organics collection and

processing; the recycling drop-off and buyback center; commercial food waste collection; Transfer Station operations; the fire fuel district's fire fuel removal program; Clean City services; and maintenance of the closed landfill. Refuse fees for most single-family residential customers are billed annually on the property owner's annual property tax bill; most multi-family residential and commercial refuse fees are billed directly to the property owner by the City on a quarterly basis, and very large commercial customers are billed directly by the City on a monthly basis.

In 2009 the City conducted a Proposition 218 process to adjust refuse collection fees, concluding in July with the rate increase in effect for FY 2010, with annual inflator adjustments to the rates adopted each fiscal year. Since then, major operational changes have been implemented in Zero Waste programs and services, resulting in \$2.5 million in annual cost reductions. While these steps have reduced the gap between revenues and expenditures, annual CPI rate increases have not kept pace with the increase in expenditures and new recycling programs and mandates. Another Proposition 218 process was required to increase Zero Waste rates for residential and commercial collection at this time.

If there is no majority protest from the current Proposition 218 process, adopting the rates for increases of 24.7% for residential customers, and 2.5% for commercial customers will replace the inflator for residential and commercial collections effective July 1, 2014 for FY 2015. Future years will have an annual inflator of 3% or CPI, whichever is greater. Fire surcharge rates for the fire fuel district include a 3% inflator in FY 2015. If there is a majority protest, the annual inflator adjustment for residential and commercial rates will be submitted for Council approval in June, to be effective July 1, 2014.

ENVIRONMENTAL SUSTAINABILITY

The City provides a variety of Zero Waste services that are all intended to support achieving the community's goal of zero waste by 2020.

The Zero Waste Division has used the Climate Action Plan (CAP)³ as the guiding document to achieve the City's Zero Waste goals. A February 25, 2014 report to the City Council details the targets that have been implemented or completed. The City will continue to increase recycling diversion by implementing the Climate Action Plan targets as described in Chapter 5.

RATIONALE FOR RECOMMENDATION

Expenses for refuse collection, recycling services, and Clean City services exceed the revenue collected. The Zero Waste Fund has a projected shortfall of \$1.05 million in FY 2014. With the additional costs for Phase 2 of the Alameda County Mandatory Recycling Ordinance, the need to fund Clean City services, additional capital improvements needed at the closed landfill and the Transfer Station, and the repayment of an interfund loan, the Zero Waste Fund has a projected shortfall in FY 2015 of almost \$3 million. This rate increase is needed to maintain the current service level for refuse

³ Climate Action Plan: www.cityofberkeley.info/climate/

collection and recycling, as well as to cover the capital maintenance and Phase 2 mandated recycling costs, the next significant step to increase diversion of waste from landfill and moving the City toward its Zero Waste Goal.

ALTERNATIVE ACTIONS CONSIDERED

If the rates are not increased, the annual CPI increase in collection rates will be proposed in June; however, it will not generate sufficient revenue to cover the projected deficit in FY 2015. If rates are not sufficiently increased, expenditures will need to be somehow reduced to align with projected revenues. The necessary reduction would be significant and would affect all Zero Waste operations.

CONTACT PERSON

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Attachments:

1. Resolution
 Exhibit A: Fire Surcharge Area
2. Public Hearing Notice

RESOLUTION NO. ##,###-N.S.

INCREASING RATES FOR RESIDENTIAL AND COMMERCIAL REFUSE
COLLECTION AND RESCINDING RESOLUTION NO. 66,205-N.S.

WHEREAS, the City is required by law, and in the interest of public health and resource conservation, to provide comprehensive waste management services to the public; and

WHEREAS, the Refuse Fund is an enterprise fund for solid waste programs and services, and must generate revenue to meet its expenses; and

WHEREAS, on February 25, 2014, the City Council set a public hearing on May 20, 2014, to consider protests and increase residential and commercial refuse and recycling collection rates if there is no majority protest; and

WHEREAS, on March 28, 2014, in accordance with Resolution 65,235-N.S. Section Two. Ballot Notice: Imposing a New Assessment, the City mailed written protest forms to all record owners of identified parcels whose names and addresses appear on the last equalized secured property tax assessment roll in compliance with the required Proposition 218 majority protest process to increase residential and commercial refuse and recycling collection rates and authorize an annual inflator of the greater of the Bay Area Consumer Price Index or 3%; and

WHEREAS, Resolution 65,235-N.S. established that all written ballots must be submitted before the noticed public hearing is closed by a vote of the Council. The City Clerk shall not accept or consider any ballot that is received after the public hearing is closed even if postmarked prior to that time. The City Clerk, or deputy, shall begin tabulating written ballots immediately following the close of the public hearing. If, at the conclusion of the public hearing, cursory review of the protests received demonstrates that the number of ballots in opposition is manifestly less than one-half of the ballots returned, weighted according to the proportional financial obligation of the affected property, then the City Clerk may advise the City Council of the absence of a majority protest without tabulating the protests.

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

Section 1. Pursuant to Section 12.32.050 of the Berkeley Municipal Code, garbage collection service is provided by the City, and all owners of premises and places in the City in or from which garbage is created, accumulated or produced shall use or cause to be used, and pay the fees charged for, the City's collection service; and the City Council adopts the service provisions, charges and fees set forth below.

Section 2. General Provisions:

(a) Regular residential refuse collections shall be made only once each week.

(b) Rates for additional weekly scheduled collections in excess of the maximum weekly frequency shown in the monthly rate tables shall be calculated by dividing the rate for the maximum frequency of collections for the size container used (including

carts, bins and roll-offs) by that number of collections, then multiplying that amount by the number of additional collections per week.

(c) Whenever refuse collection service is discontinued or cancelled prior to the end of the period for which the collection fees have been paid, a refund shall be made of that portion of the fees for the period subsequent to the discontinuance or cancellation of such service; provided, however, that no refund of less than one month's fee shall be made. Requests for such refunds shall be processed administratively under such rules and regulations therefore as shall be prescribed by the City Manager. Refunds may be granted as herein authorized only upon the written approval of the City Manager or her/his designee.

(d) For purposes of this resolution, the term "commercial" includes multi-family dwellings with 5 or more units.

Section 3. Cans and Carts: for citywide refuse collected and removed in cans or carts, the provisions, rates and charges shall be as follows:

(a) The monthly rates for residential cans or carts shall be:

Container Size	Number of Collections Per Week						
	1X	2X	3X	4X	5X	6X	7X
13 Gallon	\$15.04	\$31.50	\$47.22	\$65.98	\$86.21	\$107.97	\$125.95
20 Gallon	\$23.10	\$48.42	\$72.67	\$101.52	\$132.64	\$166.11	\$193.79
32 Gallon	\$36.93	\$77.53	\$116.27	\$162.42	\$212.25	\$265.72	\$310.04
45 Gallon	\$51.92	\$109.00	\$163.49	\$228.39	\$298.48	\$373.70	\$436.00
64 Gallon	\$73.83	\$155.03	\$232.51	\$324.80	\$424.47	\$531.52	\$620.08
96 Gallon	\$110.71	\$232.51	\$348.78	\$487.20	\$636.66	\$797.24	\$930.09

The monthly rates for commercial cans or carts shall be:

Container Size	Number of Collections Per Week						
	1X	2X	3X	4X	5X	6X	7X
13 Gallon	\$12.36	\$25.89	\$38.82	\$54.23	\$70.87	\$88.75	\$103.53
20 Gallon	\$18.98	\$39.80	\$59.74	\$83.45	\$109.02	\$136.54	\$159.29
32 Gallon	\$30.36	\$63.74	\$95.57	\$133.51	\$174.47	\$218.42	\$254.85
45 Gallon	\$42.68	\$89.60	\$134.39	\$187.73	\$245.35	\$307.18	\$358.38
64 Gallon	\$60.69	\$127.43	\$191.12	\$266.98	\$348.91	\$436.90	\$509.69
96 Gallon	\$91.00	\$191.12	\$286.69	\$400.47	\$523.32	\$655.32	\$764.52

(b) New refuse service will only be provided for 20 gallon, 32 gallon and 64 gallon containers. No new or replacement 13 gallon containers will be provided. Service will continue for existing containers.

(c) No more than two 96 gallon containers will be provided for multi-family accounts for garbage, unless there is inadequate space for a roll off container.

(d) There shall be a surcharge of 100% of the otherwise applicable base refuse collection charge for residential customers who request service on their property, except for provisions made for eligible elderly and disabled customers. For purposes of subdivision (d) and (e) of this section, “residential customers” are those who have 5 or fewer refuse containers, containing in aggregate less than one cubic yard of refuse, picked up per week.

(e) There shall be a surcharge of 20% of the otherwise applicable base refuse collection fee for commercial customers who request refuse collection service on their property. For commercial customers who request collection of recycling or organics carts or cans on their property, there shall be a surcharge of \$10.24 per container per month.

(f) Where a can is located up or down a flight of stairs (for this purpose: a flight of stairs is at least 10 steps): there shall be a monthly surcharge for each flight of stairs of \$5.22 per can multiplied by the number of service pickups per week.

(g) When a cart is not at the curb, there shall be a monthly surcharge for each additional 20 feet or portion thereof of \$3.94 per cart multiplied by the number of service pickups per week.

Section 4. Fire Surcharge: for fire fuel collection and removal, there shall be a surcharge to the otherwise applicable monthly refuse service rate for customers in the Fire Surcharge Area, as defined in Exhibit A, as follows:

Container Size	Number of Collections Per Week						
	1X	2X	3X	4X	5X	6X	7X
13 Gallon	\$0.67	\$1.32	\$2.10	\$2.94	\$3.82	\$4.81	\$5.57
20 Gallon	\$1.03	\$2.08	\$3.11	\$4.41	\$5.71	\$7.00	\$8.30
32 Gallon	\$1.57	\$3.13	\$4.96	\$6.91	\$9.03	\$11.29	\$13.15
45 Gallon	\$2.24	\$4.47	\$7.02	\$9.81	\$12.84	\$16.06	\$18.77
64 Gallon	\$3.13	\$6.28	\$9.89	\$13.80	\$18.05	\$22.58	\$26.34
96 Gallon	\$4.72	\$9.41	\$14.85	\$20.69	\$27.05	\$33.87	\$39.50

Section 5. Refuse Bins The provisions, rates and charges for front- and rear-loading refuse bins that are mechanically picked up and emptied by the collection vehicles shall be as follows:

(a) The monthly rates for refuse bins shall be as follows:

Capacity in Cubic Yards	Monthly Maint. Rate	Service Collection Charge Based on Number of Collections Per Week							
		1X	2X	3X	4X	5X	6X	7X	8X
1	\$22.73	\$124.27	\$260.97	\$391.48	\$546.84	\$714.60	\$894.79	\$1,043.93	\$1,242.77
1.5	\$25.44	\$186.42	\$391.48	\$587.20	\$820.22	\$1,071.88	\$1,342.20	\$1,565.91	\$1,864.16
2	\$28.30	\$248.58	\$521.98	\$782.94	\$1,093.62	\$1,429.17	\$1,789.59	\$2,087.85	
3	\$34.02	\$372.83	\$782.94	\$1,174.43	\$1,640.48	\$2,143.80	\$2,684.39	\$3,131.77	
4	\$50.89	\$497.11	\$1,043.93	\$1,565.91	\$2,187.28	\$2,858.37	\$3,579.19	\$4,175.71	
5	\$50.89	\$621.38	\$1,304.91	\$1,957.38	\$2,734.10	\$3,572.98	\$4,473.97	\$5,219.64	
6	\$56.31	\$745.65	\$1,565.91	\$2,348.85	\$3,280.90	\$4,287.55	\$5,368.76	\$6,263.56	

(b) No new 1.5 yard bin service will be provided.

(c) Bin cleaning, special 1-time pickup, short-term (4 consecutive days including delivery and removal days) rental rates, and additional charges will be as follows:

Capacity in Cubic Yards	Cleaning Rate	Special Pick-Up Rate (1-time)	Short-Term Service Rate
1	\$90	\$46	
1.5	\$90	\$57	
2	\$90	\$67	\$96
3	\$90	\$91	\$116
4	\$90	\$108	\$146
5	\$90	\$133	\$166
6	\$90	\$153	\$185

For bins left over 4 days there shall be an additional charge of \$17.92 per day, for no more than 2 additional days. For bins left over 6 days, the service will be considered a “new” service and a new full short-term rate will be charged in addition to the original and extra day.

(d) For bins not located at the curb there shall be a monthly surcharge for refuse of 10%, and for recycling of \$11.06 per bin multiplied by the number of service pickups per week.

(e) There shall be a surcharge of 20% of the applicable base rate where access to refuse bins is difficult, where moving the bin is dangerous due to narrow gateway, narrow passage or extreme slope, or where there is unusually high exposure to liability.

Section 6. Roll-off Containers: The provisions, rates and charges for roll-off containers, shall be as follows:

(a) The monthly rates for roll-off containers shall be as follows:

Capacity in Cubic Yards	Monthly Maint. Rate	Service Collection Charge Based on Number of Collections Per Week						
		1X	2X	3X	4X	5X	6X	7X
6	\$76.88	\$946.08	\$1,993.64	\$2,987.90	\$4,174.87	\$5,453.05	\$6,827.59	\$7,970.48
12	\$125.05	\$1,897.28	\$3,980.11	\$5,974.76	\$8,347.68	\$10,909.18	\$13,660.28	\$15,940.96
14	\$143.50	\$2,213.00	\$4,646.70	\$6,971.09	\$9,738.62	\$12,724.48	\$15,933.78	\$18,589.58
15	\$150.68	\$2,372.90	\$4,984.62	\$7,475.40	\$10,442.80	\$13,649.03	\$17,090.92	\$19,937.47
16	\$158.88	\$2,528.70	\$5,313.65	\$7,970.48	\$11,127.51	\$14,544.89	\$18,211.35	\$21,244.36
20	\$177.33	\$2,808.53	\$6,641.04	\$9,960.02	\$13,910.41	\$18,179.58	\$22,762.40	\$26,555.96
25	\$179.38	\$3,105.78	\$8,298.48	\$12,449.77	\$17,389.30	\$22,722.42	\$28,456.33	\$33,195.98
30	\$183.48	\$3,419.43	\$9,960.02	\$14,938.50	\$20,865.11	\$27,268.34	\$34,147.19	\$39,832.92

(b) There shall be a monthly surcharge of \$43.87 multiplied by the number of service pickups per week where extra handling (spinning) of roll-off containers, or where reloading of a container onto a truck is required.

(c) For short-term (4 consecutive days including delivery and removal) rental of roll-off containers, the service rates and additional charges will be as follows:

Capacity in Cubic Yards	Short-Term Service Rate
(dirt) 6	\$538
12	\$373
14	\$436
16	\$498
20	\$565
30	\$672

For containers left over 4 days there shall be an additional charge of \$17.50 per day for no more than 2 additional days. For containers left over 6 days the service will be considered a "new" service and a new full short term rate shall be charged in addition to the original and extra day charges.

Section 7. Other Special Provisions & Collection Services, Rates & Charges:

(a) For compaction-filled refuse bins and roll-off containers the regular service collection and pick-up rates and charges set forth for these containers will be tripled.

(b) For weekly collection of wheeled carts, bins, or roll-offs filled exclusively with food waste and other compostable material from commercial refuse customers, the fee will be 80% of the fee for comparable refuse service. For reasons of worker safety, cans may not be used for food waste and other compostable material due to weight. The Recycling Operations Supervisor may approve or deny commercial collection of food waste, plant debris, and other compostable materials.

(c) The additional charge for regularly scheduled collection of additional refuse cans or carts shall be \$5.22 for each additional can or cart with up to 45-gallon capacity, and \$10.49 for each additional 64- or 96-gallon cart. Pre-paid bags will be collected at no

additional charge, and can be purchased at locations established by the Public Works Director. For reasons of worker safety and ready identification of items to be disposed, only bags procured from the City or containers provided by the City will be picked up.

(d) : Customers may use pre-paid bags or tags, or additional carts provided by the City for additional regularly scheduled collection. Extra materials will be removed only during regularly scheduled service. Pre-paid bags and tags can be purchased at locations established by the Public Works Director. For reasons of worker safety and ready identification of items to be disposed, only bags, tags, and containers procured from the City will be picked up.

(e) For collection of pre-paid bags from residential customers at times other than during regularly scheduled service, or from locations not scheduled for service, the charge shall be \$20.99 for collection of the first bag and no charge for additional bags. Pre-paid bags can be purchased at locations established by the Public Works Director. For reasons of worker safety and ready identification of items to be disposed, only bags procured from the City or containers provided by the City will be picked up.

(f) For collection from commercial customers at times other than during regularly scheduled service, or from locations not scheduled for service, the charge shall be \$24.21 for the first can or cart, and \$5.22 for each additional can or cart with a capacity of up to 45 gallons and \$10.49 for each additional 64- or 96-gallon cart. For reasons of worker safety and efficiency, only cans or City provided carts will be picked up.

(g) For commercial recycling at times other than during regularly scheduled service, or from locations not scheduled for service the charge shall be \$11.06 per call. For reasons of worker safety and efficiency, containers used for pickup must be provided by the City.

(h) The prices for optional extra pre-paid bags, tags, and carts shall be:

Prepaid Residential Refuse Bag	\$5.73 each
Prepaid Residential Plant Debris Bag	\$2.30 each
Prepaid Residential Plant Debris Tag for 1 extra bundle	\$1.33 each
Additional Plant Debris Cart	\$13.60 per month

(i) A fee of \$33.27 per cubic yard shall be charged for collection of refuse in excess of 3 cubic yards set out in front of the property on the scheduled Annual Bulky Pickup Day. Refuse in excess of 3 cubic yards left at the edge of the right-of-way on the scheduled Bulky Pickup Day constitutes authorization for the City to provide services to remove the refuse, at the above per-yard rate.

(j) There shall be a charge of \$33.79 per month, multiplied by the number of service pickups per week for handling customer keys and codes to access containers. There is no charge for use of the standard key recommended by the Solid Waste Management Division.

(k) The charge for replacement of a solid waste cart that was maliciously or willfully destroyed, or for which reasonable care was not used in securing or maintaining the cart, shall be \$55.29.

Section 8. Agreements: The City Council may authorize agreements with the Berkeley Unified School District, the University of California, or any other governmental agency or special district for collection and disposal of refuse, recycling, and organic materials upon such terms and conditions as may be mutually agreed upon.

BE IT FURTHER RESOLVED that an annual inflator on all residential and commercial rates and charges to be the greater of the Bay Area Consumer Price Index or 3% is authorized.

BE IT FURTHER RESOLVED that Resolution No. 66,205–N.S. is hereby rescinded effective July 1, 2014.

BE IT FURTHER RESOLVED that this Resolution shall become effective on July 1, 2014.

Exhibit:

A: Fire Surcharge Area

FIRE SURCHARGE AREA

The Fire Surcharge Area is all of that area within the City of Berkeley that is east of the line beginning at a point on the northern boundary line of the City of Berkeley 100 feet west of the western line of Arlington Avenue, and running thence southerly parallel to the western line of Arlington Avenue to the northern line of The Circle; thence southerly across the Circle to the intersection of the southern line thereof with the center line of Fountain Walk; thence southerly along the center line of Fountain Walk to the northern line of Del Norte Street to a point on the southern line thereof, distant 100 feet at right angles easterly from the northern extension of the eastern line of Sutter Street; thence southerly parallel to the eastern line of Sutter Street to the northern line of Eunice Street; thence southerly across Eunice Street to a point on the southern line thereof, distant 100 feet east of the eastern line of Henry Street; thence southerly parallel to the eastern line of Henry Street to a point 100 feet north of the northern line of Rose Street; thence easterly parallel to the northern line of Rose Street to a point 100 feet east of the eastern line of Spruce Street, thence southerly parallel to the eastern line of Spruce Street to a point 100 feet north of the northern line of Cedar Street; thence easterly parallel to the northern line of Cedar Street to a point 100 feet east of the northern extension of the eastern line of Scenic Avenue, as located south of Cedar Street; thence southerly parallel to said extension of Scenic Avenue and parallel to Scenic Avenue to a point 100 feet north of the northern line of Hilgard Avenue; thence easterly parallel to the northern line of Hilgard Avenue to a point 100 feet west of the western line of Euclid Avenue; thence southerly parallel to the western line of Euclid Avenue to the northern line of Hearst Avenue; thence southerly in a straight line to a point on the southern line of the grounds of the University of California, distant 100 feet east of the eastern line of College Avenue; thence southerly parallel to the eastern line of College Avenue to a point 100 feet north of the northern line of Bancroft Way; thence easterly parallel to the northern line of Bancroft Way to a point 100 feet west of the western line of Piedmont Avenue; thence southerly parallel to the western line of Piedmont Avenue to the center line of Dwight Way; thence easterly along the center line of Dwight Way and along its eastern extension to the eastern boundary line of the City of Berkeley; thence southerly along the eastern boundary of the City of Berkeley to the southern line of Russell Street; thence southerly along the western line of Domingo Avenue to a point 100 feet west of the western line of El Camino Real; thence southerly parallel to the western line of El Camino Real to the center line of The Uplands; thence westerly along the center line of the Uplands to a point 100 feet east of the eastern line of Claremont Avenue; thence southerly parallel to the eastern line of Claremont Avenue to the southern line of the City of Berkeley.

NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

SETTING NEW RESIDENTIAL AND COMMERCIAL REFUSE COLLECTION RATES

The Department of Public Works is proposing to increase the rates it charges for both residential and commercial Zero Waste Services: garbage collection, transfer & disposal, recyclables collection and processing, and organics collection and composting and authorize an annual inflator to be the greater of 3% or the Bay Area Consumer Price Index.

The hearing will be held on, MAY 20, 2014 at 7:00 p.m. in the City Council Chambers, 2134 Martin Luther King, Jr. Way.

The following charts summarize the fees subject to this Notice and the majority protest process. Other refuse-related charges (e.g. key charges, transfer station fees) are not “property related fees”, are not subject to the majority protest process under Proposition 218, and are therefore not listed in this Notice.

Residential* Can/Cart Rates: The following monthly rates apply to refuse cans and carts collected one time per week from Residential* customers and include all solid waste collection, transfer, landfilling, recyclables collection and processing and organics collection and processing costs. To identify current charges for additional collections per week, please refer to the Finance Department’s website at <http://www.cityofberkeley.info/finance/>.

Current and Proposed Residential Rates

Container Size	Current Rates		Proposed Rates	
	Refuse	Fire Surcharge**	Refuse	Fire Surcharge**
1 collection/week				
13 Gallon	\$ 12.06	\$ 0.65	\$ 15.04	\$ 0.67
20 Gallon	\$ 18.52	\$ 1.00	\$ 23.10	\$ 1.03
32 Gallon	\$ 29.62	\$ 1.52	\$ 36.94	\$ 1.57
45 Gallon	\$ 41.64	\$ 2.17	\$ 51.93	\$ 2.24
64 Gallon	\$ 59.21	\$ 3.04	\$ 73.84	\$ 3.13
96 Gallon	\$ 88.78	\$ 4.58	\$ 110.71	\$ 4.72

** applies to Fire Fuel District only (formerly District 3).

*Residential means any detached or attached house or residence designed or used for occupancy by one (1) family, provided that Collection service feasibly can be provided to such Premises as an independent unit, and the Owner or Occupant of such independent unit is billed directly for the Collection service. Residential includes units of a duplex, tri-plex, or four-plex Residential structure provided that each unit is separately billed for their specific service level.

Bins (commercial and multifamily* buildings): The following monthly rates apply to front and rear loading metal bins for garbage collection. The monthly rates for organics collection and processing are 80% of the solid waste collection rates. Recycling collection is included with garbage or organics service.

Current Rates

Capacity in Cubic Yards	Monthly Rental Rate	Service Collection Charge Based on Number of Collections Per Week							
		1X	2X	3X	4X	5X	6X	7X	8X
1	\$ 22.18	\$ 121.24	\$ 254.60	\$ 381.93	\$ 533.50	\$ 697.16	\$ 872.96	\$ 1,018.46	\$ 1,212.45
1.5	\$ 24.82	\$ 181.87	\$ 381.93	\$ 572.87	\$ 800.21	\$ 1,045.73	\$ 1,309.45	\$ 1,527.70	\$ 1,818.67
2	\$ 27.61	\$ 242.51	\$ 509.24	\$ 763.84	\$ 1,066.94	\$ 1,394.30	\$ 1,745.92	\$ 2,036.91	
3	\$ 33.19	\$ 363.73	\$ 763.84	\$ 1,145.77	\$ 1,600.45	\$ 2,091.49	\$ 2,618.89	\$ 3,055.36	
4	\$ 49.64	\$ 484.98	\$ 1,018.46	\$ 1,527.70	\$ 2,133.91	\$ 2,788.63	\$ 3,491.86	\$ 4,073.82	
5	\$ 49.64	\$ 606.22	\$ 1,273.08	\$ 1,909.62	\$ 2,667.39	\$ 3,485.80	\$ 4,364.81	\$ 5,092.28	
6	\$ 54.94	\$ 727.46	\$ 1,527.70	\$ 2,291.54	\$ 3,200.85	\$ 4,182.93	\$ 5,237.76	\$ 6,110.73	

Proposed Rates

Capacity in Cubic Yards	Monthly Rental Rate	Service Collection Charge Based on Number of Collections Per Week							
		1X	2X	3X	4X	5X	6X	7X	8X
1	\$ 22.73	\$ 124.27	\$ 260.97	\$ 391.48	\$ 546.84	\$ 714.60	\$ 894.79	\$ 1,043.93	\$ 1,242.77
1.5	\$ 25.44	\$ 186.42	\$ 391.48	\$ 587.20	\$ 820.22	\$ 1,071.88	\$ 1,342.20	\$ 1,565.91	\$ 1,864.16
2	\$ 28.30	\$ 248.58	\$ 521.98	\$ 782.94	\$ 1,093.62	\$ 1,429.17	\$ 1,789.59	\$ 2,087.85	
3	\$ 34.02	\$ 372.83	\$ 782.94	\$ 1,174.43	\$ 1,640.48	\$ 2,143.80	\$ 2,684.39	\$ 3,131.77	
4	\$ 50.88	\$ 497.11	\$ 1,043.93	\$ 1,565.91	\$ 2,187.28	\$ 2,858.37	\$ 3,579.19	\$ 4,175.71	
5	\$ 50.88	\$ 621.38	\$ 1,304.92	\$ 1,957.38	\$ 2,734.10	\$ 3,572.98	\$ 4,473.97	\$ 5,219.64	
6	\$ 56.31	\$ 745.65	\$ 1,565.91	\$ 2,348.85	\$ 3,280.90	\$ 4,287.55	\$ 5,368.76	\$ 6,263.56	

*Multi-Family means any Residential Premises, other than a Single-Family Premises, with five (5) or more dwelling units used for Residential purposes (excluding units used for temporary residential purposes such as hotels) that receive centralized Collection service for all units on the Premises which are billed to one (1) Customer at one (1) address.

Carts (commercial and multifamily buildings): The following monthly rates apply to carts for garbage collection. The monthly rates for organics collection and processing are 80% of the solid waste collection rates. Recycling collection is included with garbage or organics service.

Current Rates

Container Size	Number of Collections per Week						
	1X	2X	3X	4X	5X	6X	7X
13 Gallon	\$ 12.06	\$ 25.26	\$ 37.87	\$ 52.91	\$ 69.14	\$ 86.58	\$ 101.00
20 Gallon	\$ 18.52	\$ 38.83	\$ 58.28	\$ 81.41	\$ 106.36	\$ 133.21	\$ 155.40
32 Gallon	\$ 29.62	\$ 62.18	\$ 93.24	\$ 130.25	\$ 170.21	\$ 213.09	\$ 248.63
45 Gallon	\$ 41.64	\$ 87.41	\$ 131.11	\$ 183.15	\$ 239.36	\$ 299.68	\$ 349.64
64 Gallon	\$ 59.21	\$ 124.32	\$ 186.46	\$ 260.47	\$ 340.40	\$ 426.24	\$ 497.25
96 Gallon	\$ 88.78	\$ 186.46	\$ 279.69	\$ 390.70	\$ 510.55	\$ 639.33	\$ 745.87

Proposed Rates

Container Size	Number of Collections per Week						
	1X	2X	3X	4X	5X	6X	7X
13 Gallon	\$ 12.36	\$ 25.89	\$ 38.82	\$ 54.23	\$ 70.87	\$ 88.75	\$ 103.53
20 Gallon	\$ 18.98	\$ 39.80	\$ 59.74	\$ 83.45	\$ 109.02	\$ 136.54	\$ 159.29
32 Gallon	\$ 30.36	\$ 63.74	\$ 95.57	\$ 133.51	\$ 174.47	\$ 218.42	\$ 254.85
45 Gallon	\$ 42.68	\$ 89.60	\$ 134.39	\$ 187.73	\$ 245.35	\$ 307.18	\$ 358.38
64 Gallon	\$ 60.69	\$ 127.43	\$ 191.12	\$ 266.98	\$ 348.91	\$ 436.90	\$ 509.69
96 Gallon	\$ 91.00	\$ 191.12	\$ 286.69	\$ 400.47	\$ 523.32	\$ 655.32	\$ 764.52

Roll-offs (large wheeled dumpsters): The following monthly rates apply to roll-off containers for garbage collection. The monthly rates for organics collection and processing are 80% of the solid waste collection rates. Recycling collection is included with garbage or organics service.

Current Rates

Capacity in Cubic Yards	Monthly Rental Rate	Service Collection Charge Based on Number of Collections Per Week						
		1X	2X	3X	4X	5X	6X	7X
6	\$ 75.00	\$ 923.00	\$ 1,945.00	\$ 2,915.00	\$ 4,073.00	\$ 5,320.00	\$ 6,661.00	\$ 7,776.00
12	\$ 122.00	\$ 1,851.00	\$ 3,883.00	\$ 5,829.00	\$ 8,144.00	\$10,643.00	\$13,327.00	\$15,552.00
14	\$ 140.00	\$ 2,159.00	\$ 4,533.00	\$ 6,801.00	\$ 9,501.00	\$12,414.00	\$15,545.00	\$18,136.00
15	\$ 147.00	\$ 2,315.00	\$ 4,863.00	\$ 7,293.00	\$10,188.00	\$13,316.00	\$16,674.00	\$19,451.00
16	\$ 155.00	\$ 2,467.00	\$ 5,184.00	\$ 7,776.00	\$10,856.00	\$14,190.00	\$17,767.00	\$20,726.00
20	\$ 173.00	\$ 2,740.00	\$ 6,479.00	\$ 9,717.00	\$13,571.00	\$17,736.00	\$22,207.00	\$25,908.00
25	\$ 175.00	\$ 3,030.00	\$ 8,096.00	\$12,146.00	\$16,965.00	\$22,168.00	\$27,762.00	\$32,386.00
30	\$ 179.00	\$ 3,336.00	\$ 9,717.00	\$14,574.00	\$20,356.00	\$26,603.00	\$33,314.00	\$38,861.00

Proposed Rates

Capacity in Cubic Yards	Monthly Rental Rate	Service Collection Charge Based on Number of Collections Per Week						
		1X	2X	3X	4X	5X	6X	7X
6	\$ 76.88	\$ 946.08	\$ 1,993.64	\$ 2,987.90	\$ 4,174.87	\$ 5,453.05	\$ 6,827.59	\$ 7,970.48
12	\$ 125.05	\$ 1,897.29	\$ 3,980.11	\$ 5,974.78	\$ 8,347.68	\$10,909.18	\$13,660.31	\$15,940.96
14	\$ 143.50	\$ 2,213.00	\$ 4,646.37	\$ 6,971.09	\$ 9,738.62	\$12,724.48	\$15,933.78	\$18,589.58
15	\$ 150.68	\$ 2,372.90	\$ 4,984.62	\$ 7,475.40	\$10,442.80	\$13,649.03	\$17,091.02	\$19,937.47
16	\$ 158.88	\$ 2,528.70	\$ 5,313.65	\$ 7,970.48	\$11,127.51	\$14,544.89	\$18,211.35	\$21,244.36
20	\$ 177.33	\$ 2,808.53	\$ 6,641.04	\$ 9,960.02	\$13,910.41	\$18,179.58	\$22,762.40	\$26,555.96
25	\$ 179.38	\$ 3,105.78	\$ 8,298.48	\$12,449.77	\$17,389.30	\$22,722.42	\$28,456.33	\$33,195.98
30	\$ 183.48	\$ 3,419.43	\$ 9,960.02	\$14,938.50	\$20,865.11	\$27,268.34	\$34,147.19	\$39,832.92

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **May 8, 2014**.

For further information, please contact
 Joseph Ayankoya, Senior Zero Waste Supervisor, Public Works, 981-6365,
 Danielle Habr, Senior Management Analyst, Public Works, 981-6317 or
 ARobin Orden, Senior Management Analyst, Public Works, 981-6304

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers and inclusion in the agenda packet. Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or clerk@cityofberkeley.info for further information.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 8, 2014.



Mark Numainville, City Clerk

*If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.*