

RESOLUTION NO. R-2020-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLACENTIA, CALIFORNIA DECLARING ITS INTENTION TO ADOPT INCREASED SOLID WASTE COLLECTION CHARGES, SETTING A PUBLIC HEARING FOR JUNE 16, 2020, AND DIRECTING STAFF TO PROVIDE NOTICE PURSUANT TO PROPOSITION 218

A. Recitals

(i). The City Council of the City of Placentia, California ("City") hereby finds, determines, declares, and resolves as follows:

(ii). the Legislature of the State of California, by enactment of Assembly Bill 939 of 1989 Act) (California Public Resources Code Section 40000 et seq.), has declared that it is in the public interest to authorize and require local agencies to make adequate provisions for solid waste handling within their jurisdiction; and,

Pursuant to California Public Resources Code §40059 (a)(1), the City Council of the City of Placentia has determined that the public health, safety, and welfare require that an exclusive franchise agreement be awarded to qualified solid waste enterprise for solid waste handling services within the City of Placentia ("City").

(iii). Article XIII D of the California Constitution imposes certain procedural and substantive requirements relating to assessments (as defined).

Proposition 218, article XIII D section 2(e) defines "fee" as any levy or charge imposed upon real property by an agency "as an incident of property ownership, including a user fee or charge for a property related service." Article XIII D section 2(h) defines "property-related service" as "a public service having direct relationship to property ownership.

B. Resolution

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLACENTIA DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

1. The Recitals set forth in Part A., above, are true and correct.
2. The City Council hereby declares its intention to provide and collect fees for solid waste collection services provided to all record owners within in the City, described in Section 3 of this Resolution, for Fiscal Year 2020-21

The services within in the City included but are not limited to: trash collection, trash disposal, yard waste collection and processing, recycle collection and processing, and bulky-item collection.

The City Council hereby declares its intention to conduct a Public Hearing concerning the proposed solid waste rate increases for Fiscal Year 2020-21 in accordance with Section 6 of Article 13 D of the California Constitution; and, notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 16, 2020 at 7:00 P.M., or as soon thereafter as feasible, in the City Council Chambers located at 401 East Chapman Avenue, Placentia, California.

3. The City Clerk is hereby instructed to provide notice of the proposed rate increases in conformity with Proposition 218 and the Proposition 218 Omnibus Implementation Act, California Government Code sections 53500 et seq.

At the Public Hearing, the City Council shall consider all objections or protests, if any, to the proposed rate increases, and any person shall be permitted to present written or oral testimony. Although oral comments at the Public Hearing will not qualify as a formal protest, the City Council welcomes community input during the Public Hearing.

At the conclusion of the Public Hearing, all protests submitted and not withdrawn will be tabulated in conformity with the City's tabulation guidelines.

A majority protest exists if protests are submitted in opposition to the proposed rate increases by a majority (50% plus 1) of the property owners and solid waste service customers. Although both property owners and solid waste service customers are permitted to submit protests, only one protest shall be counted for each parcel.

At the Public Hearing, all interested persons shall be afforded the opportunity to hear and be heard.

The City Council hereby directs staff to mail the notice of the public hearing regarding the levy of a user fee to be held on June 16, 2020 at 7:00 p.m. at the Council Chambers located at 401 East Chapman Avenue, Placentia, CA 92870. The City Council also directs staff to include in the notice envelope the user fee ballot and Resolution R-2020-17.

APPROVED and ADOPTED this 21st day of April 2020.


Ward L. Smith, Mayor



ATTEST:


Robert S. McKinnell, City Clerk

STATE OF CALIFORNIA
COUNTY OF ORANGE

I, Robert S. McKinnell, City Clerk of the City Of Placentia do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 21st day of April 2020 by the following vote:

AYES:	Councilmembers:	Green, Shader, Wanke, Yamaguchi, Smith
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None


Robert S. McKinnell, City Clerk

APPROVED AS TO FORM:


Christian L. Bettenhausen, City Attorney