

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2 A RESOLUTION OF THE SAN BENITO COUNTY) Resolution No. 2020-_____
3 BOARD OF SUPERVISORS APPROVING THE)
4 MAXIMUM ALLOWABLE SOLID WASTE)
5 COLLECTION RATES EFFECTIVE JULY 1, 2020 TO)
6 JUNE 30, 2021)

7 **WHEREAS**, on November 1, 2018, a new Franchise Agreement with Recology San Benito County
8 as the collection hauler within the County of San Benito took effect, which includes specific
9 provisions related to an annual index-based rate adjustment process; and

10 **WHEREAS**, the annual rate adjustment process required Recology San Benito County to submit its
11 application for a rate adjustment on or before April 1 of each year and it was received on March 30,
12 2020, and staff reviewed the rate adjustment application and found it to be complete; and

13 **WHEREAS**, the County received Recology San Benito County’s application for a rate adjustment
14 on March 30, 2020 for the maximum allowable rate adjustment of 4.5%; and the proposed Solid
15 Waste Rates are attached hereto and incorporated herein by reference in the Public Hearing Notice;
16 and

17 **WHEREAS**, while not currently required by law, the Board of Supervisors is following the
18 noticing procedure set forth in Article XIID §6 of the California Constitution (Proposition 218) and
19 in accordance with Proposition 218, the Board authorized staff to proceed with noticing and protest
20 proceedings for the proposed solid waste collection rate adjustments; and

21 **WHEREAS**, on April 21, 2020 the San Benito County Board of Supervisors adopted a resolution
22 authorizing and directing staff to send a Proposition 218 notice of the proposed maximum allowable
23 solid waste collection rates and their opportunity to submit written protests to affected rate payers
24 and such a notice was mailed to property owners and rate payers within the unincorporated County
25 of San Benito on April 29, 2020; and

26 **WHEREAS**, the Board of Supervisors held a public hearing on June 16, 2020 to consider the
27 proposed Solid Waste Rates (Exhibit 1) and to receive and consider any protests received; and

28 **WHEREAS**, at the public hearing, the Board of Supervisors heard and received all oral and written
testimony and evidence that was made, presented, or filed, and all persons present at the hearing
were given ample opportunity to hear and be heard with respect to any matter related to the Solid
Waste Rates; and

WHEREAS, at the conclusion of public testimony, the Board of Supervisors closed the public
hearing, determined that there was not a majority protest, and deliberated and considered the merits
of the proposed Solid Waste Rates.

1 **NOW, THEREFORE, BE IT RESOLVED**, by the Board of Supervisors of the County of San
2 Benito, that it hereby finds and determines as follows:

- 3 1. In accordance with Article XIID §6 of the California Constitution:
4 a. The revenues derived from the Solid Waste Rates (Exhibit 1) will not exceed
5 the funds required to provide solid waste collection service;
6 b. The revenues derived from the Solid Waste Rates (Exhibit 1) will not be
7 used for any purpose other than solid waste collection;
8 c. The Solid Waste Rate charged will not exceed the cost of solid waste
9 collection per parcel;
10 d. Any surplus monies collected from the Solid Waste Rates will be used to
11 offset revenue requirements;
12 e. The Solid Waste Rate is only charged for solid waste collection service that
13 is currently available; and
14 f. The Solid Waste Rate is not charged for general governmental services.

15 **BE IT FURTHER RESOLVED** by the Board of Supervisors of the County of San Benito that it
16 hereby approves the maximum allowable Solid Waste Rates set forth in the Public Hearing Notice,
17 effective July 1, 2020 to June 30, 2021.

18 **PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN**
19 **BENITO THIS 16th DAY OF JUNE, 2020 BY THE FOLLOWING VOTE:**

20 Ayes: Supervisor(s):
21 Noes: Supervisor(s):
22 Absent: Supervisor(s):
23 Abstain: Supervisor(s)

24 By: _____
25 Jaime De La Cruz, Chair

26 **ATTEST:**
27 Janet Slibsager, Clerk of the Board

28 **APPROVED AS TO LEGAL FORM:**
San Benito County Counsel's Office

By: _____

By: _____
Shirley L. Murphy, Deputy County Counsel

Date: _____

Date: _____