

**RESOLUTION NO. 09-23**

**A RESOLUTION OF THE RIDGECREST CITY COUNCIL DECLARING ITS INTENTION TO IMPOSE A UNIVERSAL SOLID WASTE PROPERTY RELATED FEE, PROVIDING FOR THE ANNUAL LEVY AND COLLECTION OF SAID PROPERTY RELATED FEE, SETTING A TIME AND PLACE FOR A PUBLIC HEARING THEREON AND ORDERING THE INITIATION OF A WRITTEN PROTEST PROCEDURE**

**WHEREAS**, the Ridgecrest City Council (the "City Council"), pursuant to Article XIII D of the Constitution of the State of California ("Article XIII D") and the Proposition 218 Omnibus Implementation Act (Government Code Section 53750 and following), passed and adopted Resolution Number 09-17 on April 15, 2009, initiating proceedings for the implementation of universal (mandatory) curbside recycling and solid waste collection services within the city limits of the City of Ridgecrest (the "City") and,

**WHEREAS**, at this time the City Council desires to declare its intention to implement mandatory curbside recycling and solid waste collection and to provide for the imposition, levy and collection of a property related fee, beginning with fiscal year 2009/10, to provide for the costs and expenses necessary to pay for said services; and,

**WHEREAS**, a property related Fee Schedule is shown below, has been filed with the City Clerk and submitted to the City Council, and,

<b>County Land-use Code Residential</b>	<b>Billing Unit (BU)</b>	<b>Monthly Rate per BU</b>	<b>Annual Rate</b>
Single-Family Residence	Dwelling Unit	\$26.00	\$312.00
Condominium	Dwelling Unit	26.00	312.00
Mobile Home	Dwelling Unit	26.00	312.00
Duplex	Dwelling Unit	26.00	624.00
Triplex	Dwelling Unit	26.00	936.00
Fourplex	Dwelling Unit	26.00	1,248.00
Multi-Unit Residential	Per Can	26.00	TBD*
Vacant, Non-Taxable	N/A	0.00	0.00

\* Annual Rate is dependant upon the actual number of cans for each property.

<b>County Land-use Code Commercial/Industrial Carts</b>	<b>BU</b>	<b>Monthly Rate per BU</b>	<b>Annual Rate</b>
Cart 1	Per Cart	\$37.13	\$445.56
Cart 2	Per Cart	74.26	891.12

<b>County Land-use Code Commercial/Industrial Bins</b>	<b>BU</b>	<b>Monthly Rate per BU</b>	<b>Annual Rate</b>
3 Yard Bin (weekly)	Per Bin	\$166.25	\$1,995.00
3 Yard Bin (bi-weekly)	Per Bin	233.37	2,800.44

The proposed rates shown above establish the maximum rate ("Maximum Rate") for Fiscal Year 2009/10 for the County land-use codes shown. The Maximum Rates are proposed to be increased annually beginning in Fiscal Year 2010/11 by the percentage change that is equal to the percentage change in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all Urban Consumers (CPI-U) in Pacific Cities and U. S. Average: Los Angeles-Riverside-Orange County, for the year ending the month of February. If for any reason the percentage change for a fiscal year is negative, the Maximum Rate shall not be decreased by reason of such negative percentage change and shall remain at the amount as computed the previous fiscal year. The actual fee may be less than but shall not exceed the Maximum Rate

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unless appropriate proceedings are conducted by the City to authorize any increase beyond the maximum rate established for that year, as defined in the Cost of Living Inflation above.

**WHEREAS**, the City Council has carefully examined and reviewed the property related Fee Schedule as presented and is satisfied with the proposed property related fee imposition and is satisfied that the rates and amounts per land-use code do not exceed the costs of service to the land-use codes shown.

**NOW, THEREFORE**, the City Council DOES HEREBY RESOLVE as follows:

1. The reasons for the implementation are to be in compliance with state law under the California Integrated Waste Management Association ("CIWMA"). The CIWMA Board of Directors issued Compliance Order BR07-07, requiring the City to comply with the universal curbside recycling and solid waste collection and on-site commercial recycling services. It is also a benefit to the residents of the City of Ridgecrest to preserve, protect and promote the health, safety and welfare of the public with respect to sanitation.
2. Notice is hereby given that a Public Hearing is scheduled to be held at the City Council Chambers, 100 W. California Avenue, Ridgecrest CA on July 1, 2009 at 6:30p.m.
3. All interested persons shall be afforded the opportunity to hear and be heard. The City Council shall consider all oral statements and all written communications made or filed by any interested persons. The City Council shall also determine if there is a majority protest, based on the written protests received prior to the close of the Public Hearing.
4. The City Clerk is hereby directed to give notice of the Public Hearing, by mail, to the records owner of each property.

**APPROVED and ADOPTED** this 6<sup>th</sup> day of May 2009 by the following vote:

AYES: Mayor Pro Tem Carter, Council Members Wiknich, Holloway

NOES:

ABSTAIN:

ABSENT: Mayor Morgan, Council Member Taylor

  
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Ronald H. Carter, Mayor Pro Tem

ATTEST:

  
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Rachel J. Ford  
Deputy City Clerk

