

## **RESOLUTION NO. 2023-40**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA ADOPTING THE REPORT PROPOSING TO COLLECT RESIDENTIAL SOLID WASTE SERVICE CHARGES ON THE TAX ROLL FOR FISCAL YEAR 2023/2024 AND AFFIRMING THE FISCAL YEAR 2023/2024 SOLID WASTE RATES**

**WHEREAS**, California Health and Safety Code Sections 5473 et seq. and Section 8.44.035 of the Coachella Municipal Code authorize the City of Coachella (“City”) to collect solid waste services charges on the tax roll, in the same manner and at the same time as the general taxes upon a two-thirds vote by the City Council;

**WHEREAS**, on May 30, 2006, the City Council entered into a service agreement with Burrtec Waste and Recycling Services, LLC (“Burrtec”) for the collection and disposal of residential and commercial waste within the City;

**WHEREAS**, the City Council approved an amendment to the franchise agreement with Burrtec on May 27, 2009 requiring the City to bill the residential customers for solid waste services through the County property tax roll instead of direct monthly billing;

**WHEREAS**, a copy of the written report containing the parcel listing of all residences included in tax roll billing and the charges proposed to be assessed was made available for public review by contacting the City Clerk’s Office.

**NOW, THEREFORE, BE IT RESOLVED**, BY THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AS FOLLOWS:

1. The above recitals are true and correct.
2. The adjusted service rates for fiscal year 2023/2024 have been included as Exhibit B to this Resolution.
3. City staff prepared and filed a written report of the charges for solid waste services for residential properties to be placed on the property tax roll (the “Report”).
4. Following notice duly given in accordance with law, the City Council has held a full and fair public hearing regarding the Report attached hereto as “Exhibit A” and the levy and collection of the proposed assessment for Fiscal Year 2023-2024 and heard and considered all objections and protests thereto.
5. Based upon its review of the Report, a copy of which has been presented to the City Council and which has been filed with the City Clerk, the City Council hereby finds and determines that (i) each parcel specified in the Report benefits from receiving solid waste services (ii) the net amount to be assessed upon each parcel of real property for Fiscal Year 2023-2024 in accordance with the Report is apportioned by a formula and method that fairly distributes the net amount among all assessable parcels in proportion to the estimated benefits received by each

parcel, and (iii) no assessment is imposed on any parcel that exceeds the reasonable cost of the benefits conferred on that parcel.

6. The City Council of the City of Coachella hereby adopts the Report attached as Exhibit A. The adoption of this resolution constitutes the levy of an assessment against all residential parcels of property in the City identified in “Exhibit A” for the fiscal year commencing July 1, 2023 and ending June 30, 2024.
7. The City Clerk is hereby authorized and directed to file with the Riverside County Auditor Controller the assessment or a certified copy of the Report together with a certified copy of this Resolution. A certified copy of the assessment shall be filed in the office of the City Clerk and open for public inspection.
8. The City Council hereby requests Riverside County place the collection of charges for solid waste services for residential parcels on the County’s tax rolls as described in Section 5, and to collect the charges in the same manner, subject to the same penalties and priority of lien as, other charges and taxes fixed and collected by, or on behalf of the City.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Coachella held on the 28<sup>th</sup> day of June 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Steven Hernandez, Mayor  
City of Coachella

ATTEST:

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Angela Zepeda, City Clerk  
City of Coachella

APPROVED AS TO FORM:

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Carlos L. Campos, City Attorney  
City of Coachella

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE )  
CITY OF COACHELLA )

I, City Clerk of the City of Coachella, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 2023-40 adopted by the City Council of the City of Coachella at a regular meeting therefore duly held and convened on the 28<sup>th</sup> day of June, 2023.

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Angela Zepeda, City Clerk