



CITY OF  
**FOLSOM**  
UNINCORPORATED BY CHARTER

## Folsom City Council Staff Report

<b>MEETING DATE:</b>	12/14/2021
<b>AGENDA SECTION:</b>	Public Hearing
<b>SUBJECT:</b>	Resolution No. 10775 – A Resolution of the City Council Setting Forth Results of Protests in Connection with Utility Rate Hearing Conducted Pursuant to Proposition 218 and Establishing New Solid Waste Rates and Fees
<b>FROM:</b>	Public Works Department

### **RECOMMENDATION / CITY COUNCIL ACTION**

The Public Works Department recommends that the City Council

1. Open the Proposition 218 Hearing,
2. Consider all protests against the proposed utility rate increases,
3. Consider whether or not to include in the proposed new solid waste rates charges for household hazardous waste (HHW) collection,
4. Direct the City Clerk to canvas and report the number of written protests received for the proposed rate increases for solid waste,
5. And if no majority protest exists, approve the proposed new utility rates and fees in Resolution No. 10775 – A Resolution of the City Council Setting Forth Results of Protests in Connection with Utility Rate Hearing Conducted Pursuant to Proposition 218 and Establishing New Solid Waste Rates and Fees

### **BACKGROUND / ISSUE**

In 2019 the Solid Waste Division (Division) conducted a comprehensive rate study including evaluation of operational and capital needs. R3 Consulting Group, Inc. (R3) along with City staff analyzed the revenue requirements and rate structures for each line of service.

The 2019 rate study incorporated costs associated with meeting current needs; however, it did not account for additional staffing or other operational costs required to meet pending regulatory requirements relating to California's Short-Lived Climate Pollutant Reduction Strategy (SB 1383). The regulations necessary for compliance with SB 1383 were still being developed so the costs were unknown.

At the time of the previous rate study (2019), solid waste rates had not been adjusted since 2003. Despite the impending unknown expenses associated with SB 1383, the financial position of the Division necessitated proceeding with a rate adjustment in advance of the regulations. Staff expressed to City Council that it would be necessary to return with additional increases once the costs of SB 1383 could be predicted. The regulations were finalized in November of 2020, therefore allowing the Division to anticipate the cost of compliance by conducting the current rate study (2021).

The mandated programs required by SB 1383 will significantly increase costs. These include weekly collection of organic material from all residents and businesses, community outreach and education, enforcement, procurement of products made from recycled organic material (such as compost or mulch), as well as development of an edible food recovery program. The Division has been working with R3 over the past few months to incorporate the new program expenses into the City's existing rate model.

In addition, there are increases in two existing expenses included in the updated rate model. Since the last rate study Sacramento County has significantly increased the tipping fees (the cost to dispose of material) at Kiefer Landfill. Currently, the City of Folsom is contracted to take material to Kiefer at a reduced rate; however, the agreement expires June 30, 2022. Staff reached out to County staff to inquire what we should anticipate paying in the future. Based on our tonnage, an initial increase of \$600,000 per year is anticipated.

The other large expense not directly related to SB 1383 is the addition of two electric collection trucks to our fleet. In September of 2020 Governor Newsom issued Executive Order N-79-20 requiring all heavy-duty trucks sold in California to be zero emission by 2045. Since this technology has the potential to save costs in the long run, the Division is requesting funding to pilot two vehicles to evaluate their effectiveness in the operation. The Division has been awarded some grant funding; however, due to the high initial cost of converting to clean energy, there is still a significant investment required from the City. This is currently estimated at \$930,000.

On July 13, 2021, the City of Folsom conducted a Public Workshop regarding the current and proposed Solid Waste rates. During the Public Workshop, staff presented projected revenues and expenses to meet the new regulations. During the Public Workshop, there was no input or feedback from the public. City Council asked questions to staff regarding current and future programs and discussed the proposed SB 1383 surcharge and charging for bulky waste and household hazardous waste collection.

On July 27, 2021, staff again presented the proposed solid waste rates and answered questions from City Council. During this meeting, City Council approved Resolution No. 10673 authoring the issuance of a Proposition 218 notice for proposed five-year rate adjustments for solid waste. As required by Proposition 218, the City notified all property owners or customers of record at least 45 days prior to the December 14, 2021 Public Hearing where City Council will consider increases to solid waste rates. The City also conducted a public Open House Workshop on November 8, 2021 to discuss the proposed rate increases and answer customer questions. Feedback received following the Open House and Proposition 218 notice is provided in attachment no. 3 and in the analysis below.

Following the December 14, 2021 Public Hearing, and in absence of a majority protest, City Council may consider establishing new utility rates.

**POLICY / RULE**

In accordance with Chapter 3.20.063 of the Folsom Municipal Code, new municipal service charges shall be set by resolution approved by the City Council.

Prior to approving any rate adjustments, the City must comply with the requirements of Proposition 218 notice, protests and hearing by doing the following:

- Mail information regarding the proposed rate(s) to every property owner receiving solid waste service from the City.
- Conduct a Public Hearing regarding the proposed rate(s) at least 45 days after the notice is mailed to the property owners.
- Identify in the notice, the time, date, and location of the Public Hearing.
- Include in the notice a location where property owners can send in written protests.
- City Council must reject the proposed rate adjustments if written protests are presented by a majority of the affected property owners.
- At the Public Hearing, City Council must hold a hearing to consider all objections or protests to the proposed rate adjustments.

The schedule below reflects the procedural steps pursuant to Resolution No. 10673.

<b>Item</b>	<b>Date</b>
Direction to staff to Initiate Proposition 218 Notice	July 27, 2021 (Tuesday)
Proposition 218 Notices mailed- in order to meet the 45-day notification requirements under Proposition 218 prior to Public Hearing	October 22, 2021 (Friday)
Public Hearing - City Council Regular Meeting	December 14, 2021 (Tuesday)
Implementation of new rates	January 1, 2022 (Saturday)

## ANALYSIS

As described during the Public Workshop and July 27, 2021 City Council meeting, user rates must be set at a level where a utility's operating and capital expenses match the revenues received from customers. To evaluate the adequacy of the existing rates, a comprehensive rate study is often performed. These studies help develop utility rates that are cost-based and proportional to the cost of service attributed to a specific customer class. Currently, the City uses the "cash basis" approach for establishing their revenue requirement and setting rates. This approach conforms to most public utility budgetary requirements and the calculation is easy to understand.

After the total revenue requirement is determined, it is then proportionally allocated to the users of the specific utility service. The allocation, usually analyzed through a cost of service analysis, reflects the cost relationships for collecting and disposing of solid waste. At the conclusion of the cost of service study, two key pieces of information are provided. First, the cost of service provides an understanding of the total revenues to be collected from each class of service. The other important piece of information provided by the cost of service analysis is the average unit costs.

To adjust for the impacts of SB 1383, City staff and R3 have completed a rate study to include program costs that are mandated by the new regulations. An initial analysis of the fund status was completed to establish the need for a rate adjustment. The base year of the established rate model was then set to Fiscal Year 2020-21 and projected SB 1383 program fees and other new costs were incorporated into Division expenses. The rates were then adjusted for each customer class to determine the rates necessary to meet the new requirements.

Due to the high cost of SB 1383 programs, the rate increases needed to cover costs were as high as 22% for commercial customers and 44%, or \$15.25 per month for the average residential customer. In an effort to mitigate such a large initial increase to cover the high cost of mandated programs, staff updated the model to include some strategies to increase rates moderately each year to spread the impact to customers.

Mitigation strategies include an internal loan, a temporary surcharge that sunsets after the full implementation of SB 1383 programs, and charges to currently subsidized extra programs. The proposed loan is for \$5,000,000 and includes a five-year payback period. The surcharge would provide the Division with funds needed for initial startup costs and five years of operating costs.

The last mitigation strategy, charging for currently subsidized programs, has multiple parts. The Bulky Waste Program currently provides three pickups for no additional charge. The proposed rates include a fee starting at \$25 for each pickup to recover a small percentage of the cost from the customers directly receiving the service. The same strategy was proposed to recover a small amount from customers using the Door-to-Door Household Hazardous Waste Service (HHW). The proposed fee for HHW starts at \$15 per appointment.

Staff is also proposing changes to the charges for additional organics and recycling containers. Currently residents are provided with up to two recycling and two green waste containers for no additional charge. There is a nominal monthly fee of \$2.75 per container for three or more containers. The proposed rates include an increase for three or more containers on January 1, 2022, to \$8.40 per extra green waste can and \$5.50 per extra recycle can for three or more containers. In July of 2022, a new rate structure would be implemented, and the base rate would only include one green waste, to be referred to as organics, and one recycle container. Additionally, residents will be required to accept both an organics and recycling container. The proposed charge for each additional organics container after the first is \$9.75 and for each additional recycling container after the first is \$6.25. Under the requirements of SB 1383 organics will be collected weekly so residents who surrender their second can will not lose overall capacity.

The impacts of SB 1383 and the associated rate study have been presented and discussed with the Utility Commission (UC) on four occasions. In a special meeting on July 6, 2021, the UC formally supported moving forward with a rate adjustment by passing the following motion:

The Utility Commission recommends to the City Council that it adopt a Solid Waste rate increase which encompasses:

- a. an internal loan not to exceed \$5 million;
- b. a moderate increase to the monthly solid waste rate and an SB1383 surcharge;
- c. a nominal fee charged for currently subsidized waste programs such as bulky waste and household hazardous waste collection; and
- d. an educational program to inform the public on the same.

Following the special meeting, City staff completed a rate schedule showing all proposed rates over next five-year period. The draft analysis of the proposed revenues and expenditures was presented to the City Council at the regular City Council meeting on July 13, 2021.

The proposed increases for some of the typical services are shown below.

Proposed Five-Year Rate Increases					
	Jan. 2022	FY23	FY24	FY25	FY26
Residential 65 Gallon	\$ 1.75	\$ 5.50	\$ 6.25	\$ 1.50	\$ 1.50
Residential 95 Gallon	\$ 2.00	\$ 6.25	\$ 7.00	\$ 1.75	\$ 1.75
65 Gallon Low-Income	\$ 1.25	\$ 4.25	\$ 5.00	\$ 0.50	\$ 1.50
65 Gallon Mobile Home	\$ 1.75	\$ 5.50	\$ 6.25	\$ 1.50	\$ 1.50
65 Gallon Mobile Low-Income	\$ 1.25	\$ 4.50	\$ 5.25	\$ 1.50	\$ 1.50
SB 1383 Surcharge (all residential accounts)	\$ 10.00	\$ 8.00	\$ 8.00	\$ 8.50	\$ 9.00
Commercial 4 CY 2x/week	\$ 16.00	\$ 16.00	\$ 18.00	\$ 28.00	\$ 30.00

The typical residential customer has a 65-gallon trash can, one recycling can and one organics can. The proposed monthly solid waste charges for the typical residential customer are shown below and a complete rate schedule is provided as an attachment.

Typical Residential Bill						
Description	Current Rate	1/1/2022	7/1/2022	7/1/2023	7/1/2024	7/1/2025
Solid Waste (65 gallon)	\$ 34.50	\$ 36.25	\$ 41.75	\$ 48.00	\$ 49.50	\$ 51.00
SB 1383 Surcharge	NA	\$ 10.00	\$ 8.00	\$ 8.00	\$ 8.50	\$ 9.00
<b>Monthly Bill</b>	<b>\$ 34.50</b>	<b>\$ 46.25</b>	<b>\$ 49.75</b>	<b>\$ 56.00</b>	<b>\$ 58.00</b>	<b>\$ 60.00</b>

Throughout the rate proposal process staff has made an extensive effort to provide outreach to the community. In addition to the mandated proposition 218 notice that was mailed to all property owners, the outreach campaign included:

- A printed notice directly on the October utility bills.
- Flyer inserted into all October utility bills.
- E-newsletter on July 23 and November 3.
- Printed in both the September/October and November/December newsletters mailed to all households.
- Social media posts July 26 on Facebook, NextDoor, and Twitter
- Four advertisements in the Folsom Telegraph. Two prior to the community meeting and two prior to the December 14 public hearing.
- A web page was created and advertised on all outreach.
- A notice was added to all service reminders in the Waste Collection app the first week of December.
- A community meeting was held on November 8.

The outreach efforts resulted in significant feedback from the community about the rates and a few recurring themes emerged. These include wanting smaller can options for cost and space considerations, and more enforcement against those who currently overfill containers, but the primary concern from the community has been related to charging for household hazardous waste (HHW) collection. Comments indicate that residents are very concerned that some will illegally dispose of HHW to avoid paying the fee regardless of the amount. With that feedback staff has reevaluated the impacts of this recommendation. The HHW fee is estimated to provide approximately \$45,000 the first year. Removing this fee would have a nominal impact on the fund balance resulting in 3.5% less reserve at the end of the five-year rate adjustment period.

Staff has provided two attachments to the Council Resolution, one with and one without the HHW fee included for the City Council to consider. The new solid waste rates and fees in the attachment selected by the City Council will be attached to the Council Resolution. The other feedback can be addressed with operational changes.

## **FINANCIAL IMPACT**

The implementation of SB 1383 is projected to cost \$4,280,000 with ongoing operational expenses near \$2,000,000. Proposed rate increases and other mitigation strategies will provide revenue necessary to meet these obligations.

Failure to comply with the regulations of SB 1383 could result in fines of up to \$10,000 per violation per day, or potentially \$3,650,000 annually for a single violation.

## **ENVIRONMENTAL REVIEW**

The increase and modification to solid waste rates for purpose of meeting operating expenses, purchasing equipment, supplies, and materials, and obtaining funds necessary to maintain service within the existing City service areas are exempt from environmental review under the California Environmental Quality Act, per Section 15273 of the CEQA Guidelines.

## **ATTACHMENTS**

1. Resolution No. 10775 – A Resolution of the City Council Setting Forth Results of Protests in Connection with Utility Rate Hearing Conducted Pursuant to Proposition 218 and Establishing New Solid Waste Rates and Fees
  - a. Attachment No. 1 - Proposed Solid Waste Rates as shown on the proposition 218 notice mailed to all households
  - b. Alternate Attachment No. 1 - Proposed Solid Waste Rates as shown on the proposition 218 notice mailed to all households but omitting the fee for household hazardous waste collection
2. Resolution No. 10339 - A Resolution of the City Council of the City of Folsom Establishing Procedures for the Submission and Tabulation of Protests in Connection with Rate Hearings Conducted Pursuant to the Requirements of Proposition 218
3. Written public comments received following the proposition 218 notice

Submitted,



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Mark Rackovan, Public Works Director

ATTACHMENT 1

RESOLUTION NO. 10775



**RESOLUTION NO. 10775**

**A RESOLUTION OF THE CITY COUNCIL SETTING FORTH RESULTS OF PROTESTS IN CONNECTION WITH UTILITY RATE HEARING CONDUCTED PURSUANT TO PROPOSITION 218 AND ESTABLISHING NEW SOLID WASTE RATES AND FEES**

**WHEREAS**, Article XIIIID, Section 6 of the California Constitution requires the City Council to consider written protests to certain proposed increases to rates (fees or charges) for utility services; and

**WHEREAS**, at its regular meeting on September 24, 2019, the City Council adopted Resolution No. 10339 establishing procedures for the submission and tabulation of protests in connection with rate hearings conducted pursuant to the requirements set forth in Article XIIIID of the California Constitution to help ensure that the rights of those persons that are authorized to protest service charges are preserved; and

**WHEREAS**, rate studies performed for the City's solid waste enterprise recommended increases to the utility rates in order to meet on-going operational needs and program changes necessary for compliance with new and increased regulatory requirements and new state mandates including, but are not limited to, Senate Bill 1383, California's Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions; and

**WHEREAS**, the City Council reviewed the details of the financial analysis and proposed utility rates at a Public Workshop on July 13, 2021, and on July 27, 2021 authorized the issuance of a Proposition 218 notice for proposed 5-year rate adjustments for solid waste utilities; and

**WHEREAS**, notices of the proposed rate increases for solid waste utilities and the date, time and place of the December 14, 2021 public hearing to consider the proposed rate increases were mailed to all parcel owners subject to the proposed increases at least 45 days prior to the public hearing; and

**WHEREAS**, the City Council conducted a noticed public hearing for the proposed rate increases for solid waste utilities on December 14, 2021, received public comments and considered the results of protest proceedings in accordance with Proposition 218; and

**WHEREAS**, the City Clerk has tabulated all valid protests received by the conclusion of the December 14, 2021 public hearing against the proposed rate increases for solid waste utilities, and has determined that the number of valid protests received is insufficient to constitute a majority protest (50% plus 1).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Folsom:

SECTION 1: Recitals. The above recitals are true and correct and are hereby incorporated into this Resolution by reference.

SECTION 2: Protest Threshold. The number of parcels eligible to file a protest to the proposed solid waste rate increase for residential and non-residential customers is 25,726. The number of valid protests required to prevent adoption of a proposed solid waste rate increase is 12,864.

SECTION 3: Protest Votes. The number of valid protests to the proposed increase in solid waste rates received by the City at the end of the December 14, 2021, public hearing was \_\_\_\_\_.

SECTION 4: Results of Protests. The tabulations by the City Clerk of the number of valid protests received on the proposed solid waste rate increase are accepted and set forth that the protest results conclude that there is an insufficient number of valid protests received to constitute a majority protest to the proposed solid waste rate increase, whereby allowing the consideration to adopt proposed increases to said solid waste rates.

SECTION 5: Adoption of Rate Increases. The new solid waste rates shown in Attachment 1 attached to this Resolution are hereby approved and adopted.

SECTION 6: Effective Date of New Rates. New rates will take effect January 1, 2022.

**PASSED AND ADOPTED** this 14<sup>th</sup> day of December 2021, by the following roll-call vote:

**AYES:** Councilmember(s):  
**NOES:** Councilmember(s):  
**ABSENT:** Councilmember(s):  
**ABSTAIN:** Councilmember(s):

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Michael D. Kozlowski, MAYOR

ATTEST:

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Christa Freemantle, CITY CLERK

**ATTACHMENT 1  
TO  
RESOLUTION NO. 10775  
(SOLID WASTE RATES)**

## Solid Waste Rates

RESIDENTIAL RATES*						
	Present FY 2022	JAN. 2022	FY 2023**	FY 2024**	FY 2025	FY 2026
<b>Monthly Fixed Charge (Trash can, One Recycle Can and One Organic Can)</b>						
65 Gallon Trash	\$34.50	\$36.25	\$41.75	\$48.00	\$49.50	\$51.00
95 Gallon Trash	39.25	41.25	47.50	54.50	56.25	58.00
65 Gallon Low-Income	26.50	27.75	32.00	37.00	37.50	39.00
95 Gallon Low-Income	31.25	32.75	37.75	43.50	44.25	46.00
65 Gallon Mobile Home	30.00	31.75	37.25	43.50	45.00	46.50
95 Gallon Mobile Home	34.75	36.75	43.00	50.00	51.75	53.50
65 Gallon Mobile Low-Income	22.00	23.25	27.75	33.00	34.50	36.00
95 Gallon Mobile Low-Income	26.75	28.25	33.50	39.50	41.25	43.00
SB 1383 Surcharge (all residential)	--	10.00	8.00	8.00	8.50	9.00
<b>Additional Services (Monthly Charge)</b>						
Extra Trash Can (65 Gallon)	\$29.00	\$30.50	\$35.00	\$40.25	\$40.25	\$40.25
Extra Trash Can (95 Gallon)	33.75	35.50	40.75	46.75	46.75	46.75
Extra Green Waste (excess of 2 cans)	2.75	8.40	--	--	--	--
Extra Recycle (excess of 2 cans)	2.75	5.50	--	--	--	--
Extra Organics (excess of 1 can)***	--	--	9.75	11.25	11.50	11.75
Extra Recycle (excess of 1 can)***	--	--	6.25	7.25	7.50	7.75
<b>Additional Charges (per Occurrence)</b>						
Extra Pickup (any Can)	\$40.00	\$40.00	\$46.00	\$53.00	\$53.00	\$53.00
Can Cleaning	30.00	30.00	35.00	40.00	41.00	42.00
Can Replacement (other than normal wear)	86.00	86.00	99.00	114.00	117.00	121.00
Temporary Three Yard Dumpster	83.00	83.00	95.00	109.00	112.00	115.00
Extra Pickup - Three Yard Dumpster	47.00	47.00	54.00	62.00	64.00	66.00
Bulky Waste (up to 3x per year)***	--	25.00	29.00	33.00	34.00	35.00
Household Hazardous Waste***	--	15.00	17.00	20.00	21.00	22.00
Service Changes***	--	15.00	17.00	20.00	21.00	22.00
NONRESIDENTIAL RATES*						
	Present FY 2022	JAN. 2022	FY 2023**	FY 2024**	FY 2025	FY 2026
<i>Monthly fixed charges include one pickup per week. The charge for multiple pickups is a factor of the base rate for one pickup.</i>						
<b>Monthly Fixed Charge</b>						
2 Yard Trash or Green Waste	\$126	\$132	\$139	\$146	\$157	\$169
3 Yard Trash or Green Waste	142	149	156	164	176	189
4 Yard Trash or Green Waste	159	167	175	184	198	213
6 Yard Trash or Green Waste	191	201	211	222	239	257
3 Yard Trash Compactor	263	276	290	305	328	353
4 Yard Trash Compactor	320	336	353	371	399	429
3 - 6 Yard Commingled Recycling	93	98	103	108	116	125
3 - 6 Yard Cardboard Recycling	85	89	93	98	105	113
8 Yard Cardboard Recycling	102	107	112	118	127	137
2 Yard Food Scraps	378	397	417	438	471	506
<b>Additional Services (Monthly Charge)</b>						
Recycle 95 Gallon (up to 2 cans, serviced every other week)	\$47	--	--	--	--	--
Green Waste 95 Gallon (up to 2 cans, serviced every other week)	47	--	--	--	--	--
Recycle 95 Gallon (1 can, every other week)***	--	\$49.25	\$51.75	\$54.25	\$58.25	\$62.50
Green Waste 95 Gallon (1 can, serviced weekly)***	--	49.25	51.75	54.25	58.25	62.50
Organic 64 Gallon (1 can, serviced weekly)***	--	76.50	80.25	84.25	90.50	97.25
Organic 65 Gallon (Extra can)***	--	63.75	67.00	70.25	75.50	81.25
Trash 95 Gallon***	--	49.25	51.75	54.25	58.25	62.50
Recycling Compliance Fee (waived if use City recycling service)	34.00	34.00	35.75	37.50	39.50	42.50
Sunday Service Premium	34.00	34.00	35.75	37.50	39.50	42.50
<b>Additional Charges (per Occurrence)</b>						
Dumpster Switch Out (Any Size)	\$82	\$82	\$86	\$90	\$97	\$104
Dumpster Service Return	23	23	24	25	27	29
Standby Service (per 5 minutes)	28	28	29	30	32	34
Lock Replacement	17	17	18	19	20	22
Extra pickup 2 yard (any material)	36	38	40	42	45	48
Extra pickup 3 yard (any material)	41	43	45	47	51	55
Extra pickup 4 yard (any material)	46	48	50	53	57	61
Extra pickup 6 yard (any material)	55	58	61	64	69	74
Extra pickup Compactor 3 yard	100	105	110	116	125	134
Extra pickup Compactor 4 yard	100	105	110	116	125	134
Universal Waste Pickup****	--	20	21	22	24	26
Bulky waste pickup	55	58	61	64	69	74

Solid Waste Rates

<b>ROLL-OFF (NONRESIDENTIAL AND TEMPORARY LOCATIONS)</b>						
<b>Charges (per Haul)</b>	<b>Present FY 2022</b>	<b>JAN. 2022</b>	<b>FY 2023**</b>	<b>FY 2024**</b>	<b>FY 2025</b>	<b>FY 2026</b>
<i>Rates do not include tipping, which will be an additional pass through charge, or credit in the case of revenue. Revenue from the sale of the material will be applied toward the haul cost up to the haul cost only.</i>						
All Rolloff Container Sizes Delivery and Haul	\$484	\$484	\$523	\$554	\$582	\$611
<b>Additional Charges (per Occurrence)</b>						
Relocation Fee (any size)	117	117	126	134	141	148
Per Load Contamination Fee (Bins at projects required to recycle, in addition to disposal fee)	117	117	126	134	141	148
Daily Charge Beyond 14-Day Rental Period	10	10	11	12	13	14
Compactor Rotation	35	35	38	40	42	44
<b>SPECIAL EVENTS</b>						
Delivery and One Pickup for up to 14 Cans, (combination of 65 or 95-gallon recycling or garbage Cans)	\$276	\$290	\$305	\$320	\$344	\$370
Extra Pickup (Includes up to 14 Cans of the same material type; additional cans \$2.00 each)	50	53	56	59	63	68
Special Event 3-6 yard Garbage or Recycling Service - delivery with one pickup	104	109	114	120	129	139
Special Event Each Additional Pickup for 3-6 yard Garbage Service	69	72	76	80	86	92
Special Event Each Additional Recycling Bin Pickup	55	58	61	64	69	74
Special Event Recycling Contamination Fee - all containers	55	58	61	64	69	74
<p><i>*Can sizes are approximate and may vary by manufacturer. Current purchases are for 65 and 95 gallon.</i></p> <p><i>**FY 2023 and FY 2024 rates are higher than previously approved due to January 2022 increase.</i></p> <p><i>***New rates.</i></p> <p><i>****Univeral waste includes electronics, batteries, and bulbs. Rate includes pickup only. Disposal and/or recycling cost of all items will be charged as a pass-through at the current rate paid by the City.</i></p>						

**ALTERNATE ATTACHMENT 1  
TO  
RESOLUTION NO. 10775**

**(SOLID WASTE RATES)  
Household Hazardous Waste Fee omitted**

Solid Waste Rates

**RESIDENTIAL RATES\***

	Present FY 2022	JAN. 2022	FY 2023**	FY 2024**	FY 2025	FY 2026
<b>Monthly Fixed Charge (Trash can, One Recycle Can and One Organic Can)</b>						
65 Gallon Trash	\$34.50	\$36.25	\$41.75	\$48.00	\$49.50	\$51.00
95 Gallon Trash	39.25	41.25	47.50	54.50	56.25	58.00
65 Gallon Low-Income	26.50	27.75	32.00	37.00	37.50	39.00
95 Gallon Low-Income	31.25	32.75	37.75	43.50	44.25	46.00
65 Gallon Mobile Home	30.00	31.75	37.25	43.50	45.00	46.50
95 Gallon Mobile Home	34.75	36.75	43.00	50.00	51.75	53.50
65 Gallon Mobile Low-Income	22.00	23.25	27.75	33.00	34.50	36.00
95 Gallon Mobile Low-Income	26.75	28.25	33.50	39.50	41.25	43.00
SB 1383 Surcharge (all residential)	--	10.00	8.00	8.00	8.50	9.00
<b>Additional Services (Monthly Charge)</b>						
Extra Trash Can (65 Gallon)	\$29.00	\$30.50	\$35.00	\$40.25	\$40.25	\$40.25
Extra Trash Can (95 Gallon)	33.75	35.50	40.75	46.75	46.75	46.75
Extra Green Waste (excess of 2 cans)	2.75	8.40	--	--	--	--
Extra Recycle (excess of 2 cans)	2.75	5.50	--	--	--	--
Extra Organics (excess of 1 can)***	--	--	9.75	11.25	11.50	11.75
Extra Recycle (excess of 1 can)***	--	--	6.25	7.25	7.50	7.75
<b>Additional Charges (per Occurrence)</b>						
Extra Pickup (any Can)	\$40.00	\$40.00	\$46.00	\$53.00	\$53.00	\$53.00
Can Cleaning	30.00	30.00	35.00	40.00	41.00	42.00
Can Replacement (other than normal wear)	86.00	86.00	99.00	114.00	117.00	121.00
Temporary Three Yard Dumpster	83.00	83.00	95.00	109.00	112.00	115.00
Extra Pickup - Three Yard Dumpster	47.00	47.00	54.00	62.00	64.00	66.00
Bulky Waste (up to 3x per year)***	--	25.00	29.00	33.00	34.00	35.00
Service Changes***	--	15.00	17.00	20.00	21.00	22.00

**NONRESIDENTIAL RATES\***

	Present FY 2022	JAN. 2022	FY 2023**	FY 2024**	FY 2025	FY 2026
<i>Monthly fixed charges include one pickup per week. The charge for multiple pickups is a factor of the base rate for one pickup.</i>						
<b>Monthly Fixed Charge</b>						
2 Yard Trash or Green Waste	\$126	\$132	\$139	\$146	\$157	\$169
3 Yard Trash or Green Waste	142	149	156	164	176	189
4 Yard Trash or Green Waste	159	167	175	184	198	213
6 Yard Trash or Green Waste	191	201	211	222	239	257
3 Yard Trash Compactor	263	276	290	305	328	353
4 Yard Trash Compactor	320	336	353	371	399	429
3 - 6 Yard Commingled Recycling	93	98	103	108	116	125
3 - 6 Yard Cardboard Recycling	85	89	93	98	105	113
8 Yard Cardboard Recycling	102	107	112	118	127	137
2 Yard Food Scraps	378	397	417	438	471	506
<b>Additional Services (Monthly Charge)</b>						
Recycle 95 Gallon (up to 2 cans, serviced every other week)	\$47	--	--	--	--	--
Green Waste 95 Gallon (up to 2 cans, serviced every other week)	47	--	--	--	--	--
Recycle 95 Gallon (1 can, every other week)***	--	\$49.25	\$51.75	\$54.25	\$58.25	\$62.50
Green Waste 95 Gallon (1 can, serviced weekly)***	--	49.25	51.75	54.25	58.25	62.50
Organic 64 Gallon (1 can, serviced weekly)***	--	76.50	80.25	84.25	90.50	97.25
Organic 65 Gallon (Extra can)***	--	63.75	67.00	70.25	75.50	81.25
Trash 95 Gallon***	--	49.25	51.75	54.25	58.25	62.50
Recycling Compliance Fee (waived if use City recycling service)	34.00	34.00	35.75	37.50	39.50	42.50
Sunday Service Premium	34.00	34.00	35.75	37.50	39.50	42.50
<b>Additional Charges (per Occurrence)</b>						
Dumpster Switch Out (Any Size)	\$82	\$82	\$86	\$90	\$97	\$104
Dumpster Service Return	23	23	24	25	27	29
Standby Service (per 5 minutes)	28	28	29	30	32	34
Lock Replacement	17	17	18	19	20	22
Extra pickup 2 yard (any material)	36	38	40	42	45	48
Extra pickup 3 yard (any material)	41	43	45	47	51	55
Extra pickup 4 yard (any material)	46	48	50	53	57	61
Extra pickup 6 yard (any material)	55	58	61	64	69	74
Extra pickup Compactor 3 yard	100	105	110	116	125	134
Extra pickup Compactor 4 yard	100	105	110	116	125	134
Universal Waste Pickup****	--	20	21	22	24	26
Bulky waste pickup	55	58	61	64	69	74

Solid Waste Rates

<b>ROLL-OFF (NONRESIDENTIAL AND TEMPORARY LOCATIONS)</b>						
<b>Charges (per Haul)</b>	<b>Present FY 2022</b>	<b>JAN. 2022</b>	<b>FY 2023**</b>	<b>FY 2024**</b>	<b>FY 2025</b>	<b>FY 2026</b>
<i>Rates do not include tipping, which will be an additional pass through charge, or credit in the case of revenue. Revenue from the sale of the material will be applied toward the haul cost up to the haul cost only.</i>						
All Rolloff Container Sizes Delivery and Haul	\$484	\$484	\$523	\$554	\$582	\$611
<b>Additional Charges (per Occurrence)</b>						
Relocation Fee (any size)	117	117	126	134	141	148
Per Load Contamination Fee (Bins at projects required to recycle, in addition to disposal fee)	117	117	126	134	141	148
Daily Charge Beyond 14-Day Rental Period	10	10	11	12	13	14
Compactor Rotation	35	35	38	40	42	44
<b>SPECIAL EVENTS</b>						
Delivery and One Pickup for up to 14 Cans, (combination of 65 or 95-gallon recycling or garbage Cans)	\$276	\$290	\$305	\$320	\$344	\$370
Extra Pickup (Includes up to 14 Cans of the same material type; additional cans \$2.00 each)	50	53	56	59	63	68
Special Event 3-6 yard Garbage or Recycling Service - delivery with one pickup	104	109	114	120	129	139
Special Event Each Additional Pickup for 3-6 yard Garbage Service	69	72	76	80	86	92
Special Event Each Additional Recycling Bin Pickup	55	58	61	64	69	74
Special Event Recycling Contamination Fee - all containers	55	58	61	64	69	74
<p><i>*Can sizes are approximate and may vary by manufacturer. Current purchases are for 65 and 95 gallon.</i></p> <p><i>**FY 2023 and FY 2024 rates are higher than previously approved due to January 2022 increase.</i></p> <p><i>***New rates.</i></p> <p><i>****Univeral waste includes electronics, batteries, and bulbs. Rate includes pickup only. Disposal and/or recycling cost of all items will be charged as a pass-through at the current rate paid by the City.</i></p>						



**ATTACHMENT 2**

**RESOLUTION NO. 10339**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOLSOM  
ESTABLISHING PROCEDURES FOR THE SUBMISSION AND TABULATION OF  
PROTESTS IN CONNECTION WITH RATE HEARINGS CONDUCTED PURSUANT  
TO THE REQUIREMENTS OF PROPOSITION 218**

**WHEREAS**, Article XIID, Section 6 of the California Constitution requires the City Council to consider written protests to certain proposed increases to rates (fees or charges) for utility services; and

**WHEREAS**, Article XIID, Section 6 of the California Constitution does not offer specific guidance as to who may submit protests, how written protests are to be submitted, or how the City is to tabulate protests; and

**WHEREAS**, the City Council anticipates that there will be potential future impositions of fees or increases in utility rates. Adopting the policies and procedures set forth in this Resolution will help implement the requirements set forth in Article XIID of the California Constitution and help ensure that the rights of those persons that are authorized to protest service charges are preserved; and

**WHEREAS**, the City Council wishes to provide the City Clerk the flexibility to begin counting of the protest earlier than the close of the Public Hearing, if warranted; and

**WHEREAS**, a fee protest proceeding is not an election, but the City Clerk will maintain the confidentiality of protests as provided below and will maintain the security and integrity of protests at all times; and

**WHEREAS**, adopting this Resolution is in the public interest for the reasons set forth above and as further stated within Article XIID, Proposition 218 and State legislation relating to the implementation of Proposition 218.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Folsom:

**SECTION 1: Recitals.** The above recitals are true and correct and are hereby incorporated by reference.

**SECTION 2: Adoption.**

A. The City Council adopts the procedures set forth in this Resolution for conducting all proceedings required by California Constitution Article XIID for utility fee (as defined below) increases. Where no specific procedures are imposed by Article XIID or the Proposition 218 Omnibus Implementation Act (Government Code §§ 53750, et seq.), the procedures set forth in this Resolution apply. This Resolution may be referred to as the Proposition 218 Protest Proceedings Resolution.

B. Upon adoption of this Resolution, any and all resolutions, or rules or regulations of the City of Folsom in conflict with it, shall have no further force or effect to the extent of the

conflict. This Resolution supersedes all prior resolutions of the City to the extent that such resolutions established guidelines for the submission and tabulation of protests in connection with rate hearings conducted by the City pursuant to Article XIID, Section 6 of the California Constitution.

**SECTION 3: Definitions.** Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this Resolution. Words and phrases not defined by this chapter will have the meaning set forth in California Constitution Article XIID or the Proposition 218 Omnibus Implementation Act.

A. "Act" means the Proposition 218 Omnibus Implementation Act found at Government Code §§ 53750. et seq.;

B. "Article 13D" means California Constitution Article XIID, Section 6.

C. "Manager" means the City Manager or designee.

D. "Parcel" means a Sacramento County (County) Assessor's parcel, the record owner or occupant of which is subject to the proposed rate that is the subject of the hearing.

E. "Property owner" or "parcel owner" has the same meaning set forth in Article 13D and means the person or persons whose name or names appear on the County Assessor's latest equalized assessment roll as the owner of a parcel.

F. "Protest" means a written protest filed with the City Clerk in accordance with Article XIID, the Act, and this Resolution as described in Article XIID, Section 6(a)(2).

G. "Rate" means a fee or charge imposed for utility services provided to customers in accordance with the Folsom Municipal Code ("FMC"), and other applicable law, by the City of Folsom.

H. "Record customer" and "customer of record" means the person or persons whose name or names appear on the City records as the person who is obligated to pay for utility services.

I. "Utility Services" means water, wastewater or solid waste services.

**SECTION 4: Administration of Proceedings.** The City Manager, or designee, is authorized to implement this Resolution in a manner consistent with the California Constitution and other applicable law.

**SECTION 5: Notice.** Notice of a proposed rate increase is provided as follows:

A. In general, the City will identify the record property owner(s) of each parcel to which the rate would be applied from the latest equalized tax roll produced by Sacramento County. The equalized tax roll is presumptive evidence of ownership of the land for rate protest purposes.

B. If more than one property owner has an interest in a parcel, all property owners (each property owner) must receive notice at the address for the property owner. All property owners and parties directly liable for paying the fee will be provided notice.

C. The notice must be sent by U.S. mail at least forty-five (45) days before the date set for the public hearing on the proposed rate.

D. The form of the notice of hearing will be on file with the City Clerk.

E. The notice provided by these procedures, in accordance with Article 13D, supersedes and is in lieu of notice required by any other statutes to levy or increase a rate.

F. The City Clerk, or designee, may certify the proper mailing of notices by an affidavit which constitutes conclusive proof of mailing in the absence of fraud.

G. The City will post the notice of proposed rates and public hearing at its official posting sites no less than 45 days before the public hearing upon the proposed rate.

H. Failure of any person to receive notice does not invalidate the proceedings.

**SECTION 6: Protests against Rate Increases.**

A. Each property owner or record customer of a parcel served by the City may submit a protest. This includes instances where a parcel is owned by more than one property owner or more than one name appears on the City's records as the record customer for a parcel.

B. If the owner(s) of the property desire to designate a particular owner as the person authorized to cast the protest for such parcel, they must file with the City Clerk, at any time before the commencement of the public hearing or the date of the election, as the case may be, a written authorization of such designation, signed by all the owners of record, and acknowledged in the manner that deeds of real property are required to be acknowledged to entitle such deeds to be recorded in the Sacramento County Recorder's Office.

C. Executors, administrators, and guardians may cast a protest on behalf of the estate represented by them. If such representatives are shown on the latest assessment roll as paying taxes and assessments on behalf of the property owner(s), that fact establishes the right of such representative(s) to cast a protest. If such representatives are not shown on the latest assessment roll, the representatives may file with the City Clerk, at any time before the commencement of the public hearing, or the date of the election, as the case may be, certified copies of the written documentation establishing the legal representation.

D. The protest of any public or quasi- public corporation, private corporation, or unincorporated association may be signed by any person so authorized in writing by the board of directors or trustees or other managing body thereof. Such authorization must be filed with the City Clerk, at any time before the commencement of the public hearing or the date of the election.

E. The Manager is designated as the voting representative with respect to City-owned property.

F. In any case where the documentation provided to the City Clerk is ambiguous or unclear, the City Attorney will determine whether the documentation is adequate for the purpose provided.

**SECTION 7: Protest Submittal.**

A. Any eligible property owner or record customer who is subject to the proposed rate that is the subject of the hearing who wants to protest the rate must submit a written protest to the City Clerk by:

1. Delivery to the City Clerk's Office at 50 Natoma Street, Folsom, CA 95630 during published business hours,
2. Mail to the City Clerk at 50 Natoma Street, Folsom, CA 95630, or
3. Personally, submitting to the City Clerk at the public hearing for the rate increase.

B. The protest must be in writing and must be submitted before the close of the public testimony portion of the public hearing for the rate increase.

C. Only protests that are properly submitted and signed by an eligible property owner or record customer will be counted as a valid protest. Only one protest shall be counted for each parcel of property regardless of the number of protests filed by property owners and/or record customers for the parcel.

D. If more than one protest is delivered, mailed or submitted in one envelope or at one time, then at least one of the protests contained in that envelope or concurrently delivered, mailed or submitted shall be signed by the person delivering, mailing or submitting those protests.

E. The City Clerk must stamp each written protest the date and time it is filed with the City Clerk for purposes of establishing whether the protest was filed before the close of the public testimony portion of the public hearing. Each protest must be received by the end of the public hearing, including those mailed to the City. No postmarks will be accepted for proof of meeting the submission deadline. No protest received after the close of the public testimony portion of the public hearing will be counted in determining the amount of protest, but the Council may, in its discretion, consider such protests in making its decision. Written protests may be withdrawn in writing at any time before the conclusion of the public testimony portion of the public hearing.

F. Because an original, wet signature is required, emailed, faxed and photocopied protests shall not be counted.

G. Although oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest, the City Council welcomes input from the community during the public hearing on the proposed rate.

**SECTION 8: Protest Requirements.**

A. A protest must be submitted in writing and must include:

1. A statement it is a protest against the proposed rate that is the subject of the hearing.
2. Name of the property owner or record customer who is submitting the protest.
3. Identification of assessor's parcel number and/or street address of the parcel with respect to which the protest is made.
4. Original, wet signature and legibly printed name of the property owner or record customer who is submitting the protest.
5. Date the protest was signed.
6. A certification, by the named property owner affirming the contents of the protest are true and correct.

B. To be sure all pertinent information is provided and considered prior to a protest being filed, no protest shall be signed before the City has issued the formal notice that commences the 45-day protest period.

C. A protest shall not be counted if any of the required elements of this Section are omitted.

D. Only one protest will be counted per parcel as provided by Government Code Section 53755(b).

**SECTION 9: Protest Withdrawal or Change.**

A. **Withdrawal of Protest.** Any person who submits a protest may withdraw it by submitting to the City Clerk a written request that the protest be withdrawn. The withdrawal of a protest shall contain enough information to identify the affected parcel and the name of the property owner or record customer who submitted both the protest and the request it be withdrawn.

B. **Change to Protest.** Any person who submits a protest may change it by submitting to the City Clerk a written request the protest be changed, and then submit a new written protest that includes all the information required by this Resolution with the changes desired. The changed protest shall contain sufficient information to identify the affected parcel and the name of the property owner or record customer who submitted both the protest and the request it be changed.

**SECTION 10: Public Hearing.**

A. At the time and place fixed for the hearing, or at any time to which the hearing is adjourned, the Council must:

1. Hear all persons interested in the matter of the proposed fee increase;
2. Hear all objections, protests or other written communications from any owner of property subject to the proposed utility fee; and
3. Take and receive oral and documentary evidence pertaining to the proposed fee increase.

B. The hearing may be continued from time to time, as the Council determines necessary to complete its consideration of the proposed fee increase.

C. If the Council determines, after the close of the public testimony portion of the public hearing, that written protests were received from property owners or record customers representing a majority of the parcels subject to the proposed rate increase, the Council shall adopt a resolution setting forth the results of the protest process and the proceedings shall then be closed, and the rate cannot be approved by the City Council.

D. If the Council determines at the close of the public testimony portion of the public hearing that written protests were not received from property owners or record customers representing a majority of the parcels subject to the proposed rate, the Council shall adopt a resolution setting forth the results of the protest process and then may by resolution change the rate so long as it is in an amount that does not exceed the amount and methodology set forth in the public notices sent to the property owners.

#### **SECTION 11: City Clerk**

A. The City Clerk may begin counting written protests before the close of the public hearing without further Council action, if warranted. The Council may direct that the protests not be opened in the event that (i) there have not been enough unopened protests received to constitute a majority protest, (ii) there have been substantially more protests received than the number that would constitute a majority protest; or (iii) the Council determines that it does not wish to proceed to implement with the proposed fee increase.

B. The City Clerk shall not accept as valid any protest if she/he determines any of the following is true:

1. The protest does not conform to any of the requirements of this Resolution such as:
  - a. The protest does not state its opposition to the proposed change(s).
  - b. The protest does not name the property owner or record customer of the parcel identified in the protest as of the date of the public hearing.
  - c. The protest does not identify a parcel served by the City that is subject to the proposed change.
2. The protest does not bear an original, wet signature of the named property owner or record customer with respect to the parcel identified on the protest. Whether a

signature is valid shall be entrusted to the reasonable judgment of the City Clerk, who may consult signatures on file with County Officials or other appropriate public agencies.

3. The protest was altered in a way that raises a fair question as to whether the protest actually expresses the intent of a record owner or a customer of record to protest the rates.
4. The protest was not received by the City Clerk before the close of the public hearing on the proposed rates.
5. A request to withdraw or change the protest, pursuant to Section 9 above, was received prior to the close of the public hearing on the proposed rates.

C. The City Clerk's decision a protest is not valid shall constitute a final action of the City and shall not be subject to any internal appeal.

**SECTION 12: Majority Protest.**

A. A majority protest exists if written protests that comply with the requirements herein are timely submitted, and not withdrawn or changed, by the property owners or record customers of a majority (50% plus one) of the parcels subject to the proposed charge.

B. While the City may inform the public of the number of parcels served by the City when a notice of proposed rates is mailed, the number of parcels served by the City on the date of the hearing shall control in determining whether a majority protest exists.

**SECTION 13: Tabulation of Protests.** At the conclusion of the public hearing, the City Clerk shall tabulate all valid protests received, including those received prior to the conclusion of the public hearing, and shall report the result to the City Council. If the number of protests received is insufficient to constitute a majority protest, then the City Clerk may determine the absence of a majority protest without validating the protests received, but may instead deem them all valid without further examination. Further, if the number of protests received is obviously substantially fewer than the number required to constitute a majority protest, then the City Clerk may determine the absence of a majority protest without opening the envelopes which contain the protests.

**SECTION 14: Report of Tabulation.** If, at the conclusion of the public hearing, the City Clerk determines she/he will require additional time to validate and tabulate the protests because she/he has not made the determination described in Section 13, above, then she/he shall so advise the City Council, which may continue the related portion of the meeting to allow the validation and tabulation to be completed on another day or days. If so, then the City Council shall declare the time and place of tabulation, which shall be conducted in a place where interested members of the public may observe the tabulation, and the City Council shall declare the time at which the meeting shall be continued to receive and act on the tabulation report of the City Clerk.

**SECTION 15: Effect of Invalidation.** If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity



will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

**SECTION 16: Adoption.** This Resolution shall become effective immediately upon adoption.

**PASSED AND ADOPTED** on this 24<sup>th</sup> day of September 2019, by the following roll-call vote:

**AYES:** Council Members: Aquino, Gaylord, Kozlowski, Sheldon, Howell

**NOES:** Council Members: None

**ABSENT:** Council Members: None

**ABSTAIN:** Council Members: None

  
Kerri M. Howell, MAYOR

ATTEST:

  
Christa Freemantle, CITY CLERK

**ATTACHMENT 3**

**ATTACHMENT 3**  
**TO**  
**RESOLUTION NO. 10775**

**(Comments Received by Email Following the Proposition 218 Notice Mailed October 22,  
2021 - Department Responses Shown in Italic)**

**Received: Monday, October 25, 2021 9:15 AM**

I want to clearly state my opposition to the proposed rate increase. I understand Governor Newsom's Proposition 218 that he is insisting on further classification and separation of garbage. Living in the highest tax in the nation, very high gas, food constantly higher with every trip to the store, and many other inflationary items. Living in CA is becoming a miserable existence. I am on a fixed income. Having energy, utility waste going up, I can not pay this high increase in the the rate simply because Governor Newsom is the ultimate "money bags" through being born into a political family.

**AGAIN, I OPPOSE THE WOLD WASTE UTILITY RATE INCREASE!**

Yolanda Saladin  
Folsom resident

*Thank you for the email. I want to make sure you have the opportunity to formalize your opposition so it is counted. There is a form in the Proposition 218 notice that may be filled out and either delivered in person or mailed to the Folsom City Clerk's Office at 50 Natoma St, Folsom, CA 95630.*

**Initial Email Received: Sunday, October 24, 2021, 08:08:01 AM PDT**

Perhaps you can answer a few questions regarding Proposition 218 Notification Rate Increases for residential garbage service. If you can't answer my questions, please direct them to other staff for a reply.

1. For Bulk Waste pick up, will every homeowner be charged one annual rate of \$25 for up to 3 pick ups? How will the billing work, once the pick up is scheduled the \$25 will be added to the next billing cycle? Is the \$25 per bulk waste pick up? What if a homeowner never uses bulk waste pick up, will they still be charged \$25 one time per year?

*The \$25 charge would be per appointment. If you don't use the service, you would not be charged this fee. In regard to the billing, yes, this would be added to your bill after the pickup is scheduled.*

2. Same for Haz Waste Pick up, see Question 1; **\$15 per pick up**? Will every residential homeowner be charged \$15 annually regardless if they use it?

*Same as number #1. If you do not receive a pickup, you would never be charged this fee.*

3. Can you check on the size of my grey solid waste trash garbage can? The Proposition 218 Notification flyer I received in the mail yesterday indicates a new rate increase for a

65 gallon trash can. I just checked my bill statement and I have a 60 gal solid waste can, please confirm. This is confusing, will Folsom send me a 65 gal solid waste can? If Folsom will be charging for a 65 gal can, then I assume I can request a larger can, correct since I will be paying for it? I have a second recycle can, will I be charged for that in Jan. 22? If I don't need the extra recycle can, can you pick up?

*I agree, the can size is confusing. Our records indicate you already have a 65 gallon garbage can. Can sizes vary by manufacturer, but to my knowledge the smaller cans have always been 64 or 65 gallons. The billing statements categorize the cans as 60 or 90, but the actual size of all of our cans is slightly larger than shown on your bill. Under the current proposal, the charges for the second recycle can would start July 1, 2022. If you don't need the extra recycle we can pick it up.*

4. What are Service Changes at \$15?

*Under SB 1383 California residents are required to recycle all organic waste. Folsom will be accomplishing this by converting your green waste can to an organics can that will include both yard waste and food waste. Due to the putrescible nature of food waste, we will have to service the green can every week rather than every other week.*

Thanks,  
Jim Shattuck

Thanks for the reply. Also, the bulk waste pick up crew today that picked up my stuff were awesome, professional and swept any debris left.

I have some follow up questions.

1. I have an extra recycle can, am I currently being charged for that? It is not clear on my statement if I am being charged.

*You are not being charged for the extra recycle can. Currently, there is no charge for the second one. There is however an error on your account and it is only showing one so I will get that corrected, but again, if you have it removed before any potential charges are implemented, you will not be charged.*

2. Service Changes, still not clear what this is. Is the \$15 going to be added to my bill every month, if so clarify.

*My apologies, I completely misunderstood your initial question. No, this is not a monthly charge, service changes refers to changing the number and/or size of containers at your home and it is for the delivery cost. It will only be charged if you make a change to your service; however, we will be waiving this fee during the implementation of the new program so if customers want to avoid paying for the 2<sup>nd</sup> recycle and/or organics can by turning it in, they are not charged a fee for doing so.*

3. I suggest that the Billing Department correct all residential statements to indicate that a customer has a **65 gal can** if applicable as my statement indicates a 60 gal can. This will eliminate much confusion come July 22, as was the case in my email to you yesterday. You indicated that I have a 65 gal can.

*I certainly will make that suggestion. Thank you.*

4. Under SB 1383, will \$10 a month be used by Folsom under the bill language? Does this mean we put Cooked or raw food waste?

*The \$10 per month would be a separate line item on your bill and would reference SB 1383. Yes, since the goal of SB 1383 is to reduce greenhouse gas emissions by removing organic waste from landfills, all food waste and food soiled paper (i.e. napkins and paper towels) will have to go in the green can and will need to be placed in compostable bags.*

5. What is considered low income as noted in the flyer sent out by Folsom?

*Income Eligibility Requirements*

<i>Persons in Household</i>	<i>Monthly Income</i>	<i>Annual Income</i>
<i>1</i>	<i>\$2,147</i>	<i>\$25,760</i>
<i>2</i>	<i>\$2,903</i>	<i>\$34,840</i>
<i>3</i>	<i>\$3,660</i>	<i>\$43,920</i>
<i>4</i>	<i>\$4,417</i>	<i>\$53,000</i>
<i>5</i>	<i>\$5,173</i>	<i>\$62,080</i>
<i>6</i>	<i>\$5,930</i>	<i>\$71,160</i>
<i>7</i>	<i>\$6,687</i>	<i>\$80,240</i>
<i>8</i>	<i>\$7,443</i>	<i>\$89,320</i>

6. If passed, will the new charges go into effect January 2022 or July 2022 as indicated in your email?

*Most of the new charges will start in January of 2022, but the charges for the 2nd blue and green cans are delayed until July 2022.*

7. How much of the rate increase for everyone in Folsom are going to be used for service South of the 50?

*None. The capital costs of adding services South of 50 are paid through impact fees that developers pay. Residents south of 50 then pay for their monthly service just the same as everyone else.*

8. Is there an option to drop off hazardous waste at City Hall or other location to avoid the \$15 fee?

*Yes, not at City Hall, but we do make appointments to drop off household hazardous waste at our corporation yard and those will continue to be available at no additional cost.*

Lastly, can you let management know that by charging \$15 for hazardous waste pick up is wrong. The current hazardous waste free pick up is an awesome program. By charging a few as proposed, residents will most likely toss their haz waste in the solid waste can or down the gutter. Landfills will be polluted.

Thanks

**Initial Email Received: Monday, October 25, 2021 2:28 PM**

My name is Qian Xu. I live in Folsom. I have a question regarding the "Proposed Five-Year Rate Increases for Solid Waste Services": Is the rate increase for everyone? Does each household have a choice? My family is already composting all the organic waste by ourselves. We don't have organic waste. It doesn't seem to make sense for us to pay the significantly increased rate.

Thank you for your time.

Best regards,

Qian Xu

Hi Qian,

*Thank you for your question. The City is required to provide weekly organics collection to each and every household. The additional cost of weekly (vs. the current bi-weekly) collection is one of the primary drivers of the rate increase and the City will incur that cost regardless of whether or not an individual household sets the can out. The cost to the City for processing waste will, and already does, vary by household depending on the overall amount of waste generated, but this makes up just a just a portion of the cost to make the service available to everyone. In addition, there are numerous other SB 1383 related requirements that are not directly related to the curbside organics service, but will increase cost. The City must comply with all SB 1383 mandates to avoid fines from the state.*

*Also, most households have some items such as meat, bones, dairy or prepared foods that you would not place in a backyard compost bin, but will be prohibited from placing in the grey garbage can. These items will need to be bagged in compostable bags and placed in the green organics can.*

Thank you for the explanation. I appreciate your time.

**Received: Wednesday, October 27, 2021 7:52 AM**

My name is Lan Truong. My address is [address omitted].

My phone number is [omitted].

I am the property owner. I am hereby submitting a written protest to proposed 2022-2026 solid waste rate increases.

Thank you,

Lan Truong

*Thank you for the email. I want to make sure you have the opportunity to formalize your opposition so it is counted. There is a form in the Proposition 218 notice that may be filled out and either delivered in person or mailed to the Folsom City Clerk's Office at 50 Natoma St, Folsom, CA 95630.*

**Initial Email Received: Wednesday, October 27, 2021 7:42 PM**

I'm not against the rate increase since it brings needed composting services, however it'd be nice if it could be partially mitigated by offering smaller garbage bins for those that do not need such

a large one. The more you use, the more you should pay. We previously lived in Seattle with much higher rates and found these size options to be a good balance:

<https://www.seattle.gov/utilities/your-services/accounts-and-payments/rates/collection-and-disposal/garbage-rates>

*Thank you for the email and supporting composting services in Folsom! There are many pros and cons to offering smaller containers. The primary reason we have not moved in that direction is that the actual cost of providing the service is not significantly less than other sizes. Most of the cost associated with your garbage service is related to the fixed cost of the labor and equipment it takes to provide the weekly pickups. The actual per household cost of disposing of the waste varies by household, but it is just a small part of the fee. Smaller containers are sometimes used to encourage less waste, but what we have found even by offering two sizes is that all too often the smaller cans just get overpacked eliminating any cost savings to program, contributing to litter, and resulting in return service calls since material, especially when overpacked, is more likely to jam in a smaller container. Please feel free to contact me with any additional questions. Thanks again!*

That's disappointing. I'd encourage pricing that encourages desired outcomes. E.g. extra fee for over stuffing bin, fines for not properly composting, etc.

**Received: Sunday, October 31, 2021 11:34 PM**

Hi Marie,

I'm very confused about the proposed changes to hazardous waste collection. When we first moved here I saw that there was no charge for hazardous waste collection and I thought, "that makes sense because we want to make the barrier to disposing of hazardous waste as low as possible to make sure poisons aren't released into our community." I was quite surprised when I saw that there will now be a significant charge to these pickups. While I want to believe that people would want to do the right thing, I feel strongly that there will be a non-trivial number of people who, rather than pay the hazardous waste fee, will opt to dump their hazardous waste in the yard, in the garbage can, or even in the toilet where it will pollute our drinking water. While I'm not excited about all of the considerable rate increases, the hazardous waste fee is a public health issue, not just an annoyance. It will result in pollution of our lake and the land in our community. Please let me know if this email is insufficient to raise this issue and I need to also pursue another avenue.

thanks much,

Dwayne Achee

*Thank you for the email. This is sufficient to raise the issue. I have received a few concerns about this and I am relaying the information to executive management. I appreciate that you took the time to write in.*

Thank you. Personally I'd rather see us raise the solid waste collection fee by a nickel a month to make hazardous waste collection free again, if that's what it takes.

Dwayne

**Received:** Wednesday, November 3, 2021 11:02 PM

Hi this is Sheryl Lenzie, a resident and homeowner at [address omitted] in Folsom. Has the rate increase protest form been mailed yet to the residents? I don't think I received the mailing with the protest form. I see a link to it via the Prop 218 notification link on the City's website. Maybe I need to print it out. <https://www.folsom.ca.us/home/showpublisheddocument/8098/637708608280230000> Please advise.

Separate from the written protest form request, I would like to share a couple thoughts. Perhaps these thoughts have already been vetted during the rate study.

As far as the new charge for bulky waste pickup and hazardous waste pickup, I believe it will discourage folks from disposing of things properly. Likely we will see more bulky waste dumping along the streets and in open spaces, and hazardous waste going into the garbage. Rather than charging for these services every time, consider scaling back the number of times that the services are free. Perhaps the City should consider a once a year free bulky waste pickup and perhaps a couple times a year free for hazardous waste pickup. Additional pickups could have a charge.

Alternatively, maybe designate a place once every quarter for a couple of days where folks can bring their hazardous waste and smaller bulky items to a central place in Folsom for disposal. It is already getting harder to find places to dispose of household batteries, for example.

I really think charging for these two services (bulky waste and hazardous waste) will have negative consequences whereby the City will begin to see a rise in illegal dumping and improper hazardous waste disposal.

No need to respond to my suggestions, but I would like to know about the protest form.

Perhaps in the next couple of years there will be enough backlash because of the rate increase and required enforcement that the law creating these new mandates will be repealed.

*Yes, the notice has already been sent to every household so you should have received it already. I've attached both the notice and a file with just the protest form for your convenience. Thank you also for the other comments and suggestions. We have definitely vetted different options through the rate study, but regardless of that I am relaying any concerns I receive to executive management and well as City Council.*

**Initial Email from Staff Prompted by Discussion at Community Meeting. Sent: Tuesday, November 9, 2021, 01:15:00 PM PST**

*Thank you again for attending the meeting last night and for your feedback. Below is a link to the City Council meeting for July 27, 2021 at which I presented the rate study. To view the presentation from the start scroll to item number 11 on the agenda and the link will take you to the start. If you would like to go right to the charts, they start at 1:45:19 on the video. Let me know if you have any questions.*

[https://folsom.granicus.com/MediaPlayer.php?view\\_id=8&clip\\_id=2259](https://folsom.granicus.com/MediaPlayer.php?view_id=8&clip_id=2259)

Hello Marie



Thank you for sending this information and the pointer to the comparative data. A couple observations:

- Most of the cities are different in the 2 charts before and after the adjustment for collecting food waste. 2 cities (other than Folsom) Sacramento County and Roseville which are present in both charts have increases of about 21% and 16% respectively compared to 43% for Folsom. Why is the increase so much higher for Folsom?

*The cities are different in the charts since we would have no way of knowing what the rates would have been if their programs were different in regard to food waste. With Sacramento County and Roseville, programs are being implemented at the same time as ours and rate adjustments were already proposed so we could see before and after.*

*Sacramento County's most recent proposal, in December of 2020, would have increased rates 57%, but only a portion of their proposal was approved by their Board of Supervisors. Their proposal also included subsequent increases through July of 2024 that were not approved. Since Sacramento County was not approved for rates to cover their cost of service, I anticipate they will need to do another rate adjustment in the near future.*

*For City of Roseville, they have a very different service model than Folsom due to their mixed waste facility. Roseville does not incur as much collection cost since each household has only one or two bins and recyclables and/or organics are sorted at a mixed waste processing facility. Roseville is currently piloting a three bin system similar to ours to improve the quality of the material they collect and have not made a final determination for their ongoing programs.*

*There are different factors in the operations and services of each city that impact its costs. These include the specific services provided as well as factors like proximity to facilities. We have to work with the costs specifically for the range of services Folsom provides. The proposed rates were projected to be the maximum necessary to cover these costs over the next five years. At any point within the five years, the City Council may determine that a scheduled increase or portion of it is not necessary and reduce it.*

- Following the increase, Folsom costs are among the highest. Almost half the cities shown have a costs of about \$180/year (30%) less than Folsom. Folsom is in the highest cost quartile.

Let me know if my observations are incorrect. Otherwise what would it take for Folsom to compare more favorably with respect to the above i.e. more competitive/lower increase and actual cost following the adjustment?

*Your observations are correct that the current proposal will put Folsom among the highest in the region. Since our rates are set at cost, lowering the rates would likely mean eliminating or reducing some of the programs that Folsom residents currently receive. For example, the household hazardous waste collection program provides an unusually high level of service, but is one of the more costly elements of our program. We continually work to find ways to reduce our costs while maintaining the high level of service. Comparing the rates is just one piece of the picture. Each jurisdiction provides varying programs and customer service levels. All of these factors should be considered when comparing the value of each program. In addition, the solid waste industry is changing rapidly as a result of SB 1383 and ongoing changes to recycling markets. The rates we are able to find for regional comparison now may look very different in the near future. Our proposal is proactively working to ensure we maintain financial stability through these changes.*

*Thank you for your attention to this information and asking these questions. I appreciate the feedback at the meeting and am working get more information out to clarify what the typical bill may look like come January 1<sup>st</sup>.*

Hello Marie

Thank you for your prompt response and for making the time to discuss my concerns on the phone yesterday. I appreciate that you tried to understand my opinion on the matter of the rate increases for solid waste. To summarize my thoughts following our conversation;

- As observed at the start of this email thread, the proposed rate increases over the next five years, cumulatively ~61% i.e. an average of over 12%/year are unreasonably high. These exceed even what could be considered a higher than normal increase. For the 2 cities that could be compared, the increase for Folsom is over 20% higher.
- Based on the data in the meeting minutes, Folsom's rate will be in the highest cost quartile. Almost half the cities shown have costs which are about \$180/year less than Folsom (30% less)
- I completely understand the need for some increase in the rates over time and also realize there would be an additional increase to support the costs associated with SB1383. However, the projected increases far exceed this allowance. Consequently I think some actions are needed to contain the cost increases. If indeed these increases are a result of SB1383 requirements, it should be possible to get enough support from other cities in California to petition for a more reasonable requirement.

On a side note, part of my concern with this rate increase is due to other costs I've incurred in the recent past which are related to city utilities/maintenance. I live in Prairie Oaks. A few months ago the Prairie Oaks Ranch No. 2 assessment was approved which adds \$314 to my property tax bill for lighting and landscape, every year, over the previously existing \$214/year, nearly a 150% increase! (Last year we incurred expenses due the pin hole water leaks. I understand this should be considered one time.)

Many of us purchased homes in Folsom because in addition to all the wonderful aspects of this city, the costs aligned with our personal preferences related to improvements and amenities. Recently I completed paying the 20 year 1920 bond/Mello Roos assessment and began to enjoy some of the long term cost benefit of home ownership. However if these recent additional costs and increases go unchecked, I wonder about future cost adjustments; what is the maximum allowed increases, what is considered reasonable?

I appreciate the prompt response from City of Folsom Management and their willingness to listen to feedback. I'm hopeful that with a combination of further review of costs for Folsom solid waste and partnering with other cities who are in a similar position, we'll see some meaningful reductions in the costs being proposed.

Sincerely  
Navin Monteiro

**Received and Relayed to Staff by Mayor Kozlowski: Thursday, November 11, 2021 4:24 PM**

Hello City Councilmembers,

I live in Rivage condominiums and I'm concerned about the addition of a 3<sup>rd</sup> bin in my garage. We have no other place to put our bins. I'd like to request that the city allow and provide smaller waste, recycling, and food waste bins for condominiums and similar housing that have no outside storage space. This requirement could push some owners to park their cars outside in what is limited parking space.

Rivage requires owners to park two cars in our garages, and that doesn't leave a lot of room for anything else.

Other than that, I'm ok with the proposed increase. It's something I think we need to do to help reduce climate warming.

Peggy Blair

*Response from Mayor Kozlowski*

*Ms. Blair,*

*Thank you for writing to me. Your concern is one we have anticipated, but have not yet come up with any perfect solution. Although I have not consulted with our Public works department in several weeks about there refinement to our plans.*

*We do have smaller bins available, which is why I copied our Public works Director Mark Rackovan on this message. Perhaps you can send a snap shot of your cans so we can both see which you have currently, next time you have a free moment. If you have any other suggestions, we'd love to hear them.*

*Again thank you for your comments.*

**Received:** Monday, November 15, 2021 2:04 PM

Hello, I'm Lori Gilbert, a Folsom resident, and please consider this message a comment on the "Proposed solid waste utility rate increases".

I am wondering if you are getting these notices from CalRecycle. Will the City be applying for this grant? When the City is awarded the moneys, how would they be used? Would it affect the rates to residential customers?

Please see the CalRecycle message below. Thank you for your time.

Sincerely,  
Lori Gilbert

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The draft SB 1383 Local Assistance Grant agenda item for public comment is now posted and will be presented at the Nov 16<sup>th</sup> CalRecycle public meeting.

Eligibility Criteria and Evaluation Process for SB 1383 Local Assistance Grant Program  
(Greenhouse Gas Reduction Fund, Fiscal Year 2021?22)  
Public Notice- <https://www2.calrecycle.ca.gov/PublicNotices/Details/4552>

Questions and comments may be sent to [Grants@calrecycle.ca.gov](mailto:Grants@calrecycle.ca.gov) by Friday, November 19, 2021.

*Thank you for forwarding. Yes, we receive these and plan to apply. If funds are awarded, they would be used to offset SB 1383 activities that we are already required to do and planning on. Whether or not it would affect residential rates really depends on the amount received. If we only receive the base amount of \$20,000, it would have no direct impact on rates.*

Hi Marie, thank you for your fast reply. I'm glad to know you are in the loop as it were. Those GGRF grants sometimes will be awarded in larger amounts for bigger projects if you show matching funding from other sources. Do you know if any other funds will be available to apply for? Just wondering.

Thank you and have a great day.

Lori

*We will apply for the maximum that we can. We have a lot of eligible expenses, but so does everyone else right now. Hopefully we'll get well above the base amount.*

**Received from Vice Mayor Aquino on Behalf of Resident: Monday, November 22, 2021 2:20 PM**

Hi Marie ~

I know details about organics recycling will be forthcoming but I got the following questions from a resident who lives in the Diamond Glen 55+ community. Thanks for any info you can provide.

Is there a minimum amount of organic waste a resident must generate before he/she is required to recycle or does the mandate apply to everyone in the city regardless of how much organic waste they produce?

*The regulations do not allow for de minimis waivers for residents. Every household is required to participate. Below is the language for residential waivers that was included in the ordinance revision. In regard to the second one, there are no homes in Folsom I am aware of that could justify this. CalRecycle has expressed an expectation that if a jurisdiction were to use this type of waiver it would only be allowed temporarily.*

- 1. Reasonable Accommodation. The Director may waive a property owner's obligation to comply with the requirements of Section 8.32.191(B) if the property owner provides documentation, or the City has evidence from staff, or any medical professional, demonstrating that compliance with this Chapter would act as a barrier to fair housing opportunities or health-related reasons prevent individual(s) from complying.*
- 2. Physical Space Waiver. The Director may waive the obligation to comply with the requirements of Section 8.32.191(B) if the property owner provides documentation, or the City has evidence from staff, licensed architect, or licensed engineer, demonstrating that the premises contain severe space constraints which prevent the placement of a recycling and/or organic container at the household.*

I believe residents who don't have a green can will have to get one, correct?

Yes

One green can is included in the solid waste fee, correct?

Yes

**Received: Tuesday, November 30, 2021 12:08 PM**

Hello,

I understand a few dollars increase given the constant inflation however what is proposed currently is a significant hike and should be reconsidered. We are constantly being hit with hikes in prices and bills which is making living in folsom beyond means.

Concerned folsom resident!

*Thank you for the email. The current proposal would cover significant program changes that are required to comply with [California's Senate Bill 1383](#), which increases cost beyond regular inflation. Information about the rate study can be found at [www.folsom.ca.us/utilityrates](http://www.folsom.ca.us/utilityrates). If you would like to formally oppose the increase, a form and instructions can be found in the [Proposition 218 notice](#). Protests must be either delivered in person or mailed to the Folsom City Clerk's Office at 50 Natoma St, Folsom, CA 95630.*

**Received: Thursday, December 2, 2021 4:14 PM**

My husband and I live in Natoma Station neighborhood of Folsom. We strongly urge the Council to pass the proposed solid waste utility rate increases.

this will fund really important improvements for our community and environment.

thank you,

Kristina Bas Hamilton

James Hamilton

*Thank you for the email and supporting the new environmental programs in our community. I will make sure your support is relayed to the City Council.*

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