

**CITY OF HERMOSA BEACH**  
**RESOLUTION NO. 22-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,  
CALIFORNIA ESTABLISHING CUSTOMER RATES FOR SOLID WASTE,  
ORGANIC AND RECYCLING RATES EFFECTIVE JANUARY 1, 2023**

**WHEREAS**, the City's current Agreement for Solid Waste Services is with Arakelian Enterprises, Inc. (dba Athens Services) and establishes the rate schedules for the amount that Athens may charge for integrated solid waste management services; and

**WHEREAS**, the Agreement requires that adjustments to the maximum rate schedule for (which are not permitted within the Agreement) be considered for adoption in accordance with Proposition 218 (i.e., California Constitution, Art. XIII D); and

**WHEREAS**, in accordance with Section 6(a) of Article XIII D of the California Constitution (Proposition 218), the City caused notices to be timely mailed to the customers and rate payers affected by the requested rate increase; and

**WHEREAS**, said notices advised customers and rate payers that the rates for the collection of solid waste are proposed to be increased as set forth in the table attached hereto as Exhibit 1 and incorporated herein by this reference; and

**WHEREAS**, the City Council held a duly noticed public protest hearing on December 13, 2022, to receive comments and protests on the proposed solid waste rates increase; and

**WHEREAS**, the City Council held a duly noticed public protest hearing on December 13, 2022, to receive comments and protests on the proposed solid waste rates increase; and

**WHEREAS**, at the conclusion of the public hearing, the City Clerk tabulated the number of written protests received and reported that there was not a majority protest by property owners or customers of record of the identified and affected properties.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct and incorporated herein by this reference.

**SECTION 2.** The maximum rates shown on the attached Exhibit 1 are hereby adopted by the City Council, are incorporated herein by reference, and shall become effective on January 1, 2023, as posited in Exhibit 1. The rates established by this resolution shall supersede any previously adopted fees, charges, resolutions, or other regulations, to the extent of any conflict.

**SECTION 3.** This action is statutorily exempt from the environmental review requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15378 and Section 15273 of the CEQA Guidelines and Public Resources Code Section 21080(b)(8) because (i) the increase in charges are for the purpose of meeting operational and maintenance expenses of the aforementioned services and (ii) the charges constitute the creation of a funding mechanism/other governmental fiscal activity, which does not involve any commitment to any specific project that may result in potential significant physical impact on the environment

**PASSED, APPROVED and ADOPTED** on this 13th day of December, 2022

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Raymond A. Jackson

**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, CA

**ATTEST:**

**APPROVED AS TO FORM:**

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Myra Maravilla  
City Clerk

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Patrick Donegan  
City Attorney

**NOTICE OF PUBLIC HEARING**  
**PROPOSED CHANGES IN CITY OF HERMOSA BEACH SOLID WASTE, ORGANIC AND RECYCLING RATES**  
**FOR FISCAL YEAR 2022 THROUGH 2032**

**Date:** December 13, 2022 at 6pm      **Place:** Hermosa Beach City Hall, 1315 Valley Drive and via virtual platforms

**ATTENTION:** The City Council of the City of Hermosa Beach ("City") will conduct a public hearing on December 13, 2022 at 6pm in the City of Hermosa Beach City Hall Council Chambers, located at 1315 Valley Drive, Hermosa Beach, to consider adopting increases and adjustments in the City's current rates for solid waste collection provided by Athens Services Inc. ("Solid Waste Collection Rate(s)" or "Rate(s)"). Individuals may participate in person at City Hall. City Council meeting agenda will be posted in advance of that meeting at: <https://www.hermosabeach.gov/>. The public may also participate via Zoom, and view the meeting on the City's YouTube Channel or local cable television channels. More information can be found at: <https://www.hermosabeach.gov/>

**PROPOSED RATE CHANGES**

You are receiving this Notice because our records indicate that you are either a City property owner or tenant directly liable for payment of the fees for solid waste collection (i.e., a customer of record). The Notice describes the Solid Waste Collection Rate changes in services you receive from Athens Services, Inc. ("Athens") and explains how you can file a protest to this proposed Solid Waste Collection Rate increase and participate in the Proposition 218 process.

**Proposed Monthly Rates for Most Common Service Levels**

Service Level	Rate for January 1, 2023 – June 30, 2023
Residential 64-gallon trash cart and 32-gallon organics cart	\$20.46
Commercial 3-cubic yard bin serviced once per week	\$199.32

The table above shows the first rate increase increment, to be implemented January 1, 2023 and effective through June 30, 2023. Additional details on the rate increase are described below and the full rate sheet for all service levels is available at: [www.hermosabeach.gov/our-government/city-manager/environmental-programs/solid-waste](http://www.hermosabeach.gov/our-government/city-manager/environmental-programs/solid-waste)

**Will My Trash Rate Change?**

Effective January 1, 2023, all trash monthly rates will increase according to the table above. If approved, the new rates will be adjusted based upon the annual percentage changes in the Consumer Price Index (CPI) for Trash and Garbage Collection (CUUR0000SEHG02), United States City Average (not seasonally adjusted), as determined by the United States Department of Labor Statistics, plus one additional percent, beginning July 1, 2023, and every July 1st thereafter. Trash rates may be adjusted without a further public hearing, according to CPI. In addition, the rate changes effective July 1, 2023 and July 1, 2024 will be increased for (i) Single-Family generators an additional fifteen percent (15%) each rate period; and (ii) Commercial generators an additional eighteen and thirty-three hundredths percent (18.33%) each rate period. Notice will be provided by mail at least 30 days prior to the effective date of any such increase.

**HOW DO I PROTEST?**

If you wish to protest any of the above increases, you must submit a written protest, **signed and in writing**, by including your name and service address or assessor parcel number to the **City Clerk of the City of Hermosa Beach at 1315 Valley Drive, Hermosa Beach, CA 90254**, provided written protests are received prior to the close of the Public Hearing, which will occur when the public testimony on the proposed increases and adjustments is concluded. Any written protest must: (1) state that the identified property owner or tenant (i.e., customer of record) opposes the proposed fee increases to the Solid Waste Collection Rates; (2) provide the location of the identified parcel (by street address or assessor's parcel number); and (3) include the name and signature of the property owner or tenant submitting the protest. On the envelope please note: **Attn: Public Hearing of Solid Waste Rate Changes**. A protest letter can be done by any property owner or tenant (i.e., a customer of record) directly responsible for the payment of solid waste collection fees. Only one protest will be counted per identified address/parcel.

**IF YOU DO NOT OBJECT TO THE ADJUSTMENTS, NO ACTION IS REQUIRED.**

The City Council will hear and consider all written protests to the proposed rate changes at the Public Hearing. Oral and written public comments at the Public Hearing will not qualify as formal protests unless accompanied by a written and signed protest. At the conclusion of the Public Hearing, the City Council will consider adoption of a resolution authorizing the new rate schedule. If written protests against the proposed Rate changes are not received by a majority of property owners or tenants upon which the Solid Waste Collection Rates are imposed (i.e., customers of record) in the City limits, then the City Council will be authorized to impose the Rate changes.

This protest hearing is being conducted in accordance with Article XIID of the California Constitution and Proposition 218 in an abundance of caution and without conceding the applicability of these provisions to privately provided solid waste service. Please note that a rate protest proceeding is not an election. To ensure transparency and accountability in the rate protest tabulation, protests shall constitute a disclosable public record from and after the time they are received.

For further details regarding the basis and reasons for the proposed rate changes to the City's Solid Waste Collection Rates or any questions you may have regarding the proposed fees to be imposed on your parcel, please contact the City Manager's Office at 310-750-3603