

**RESOLUTION NO. 2021-C55**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA, APPROVING THE TWENTY-SEVENTH AMENDMENT TO THE AMENDED AND RESTATED FRANCHISE AGREEMENT WITH ARAKELIAN ENTERPRISES, INCORPORATED TO AMEND THE REFUSE COLLECTION, RECYCLING AND DISPOSAL SERVICES RATES EFFECTIVE JANUARY 1, 2022 THROUGH JUNE 30, 2022, AND APPROVING SUCH RATES AND TAKING OTHER ACTIONS RELATING THERETO**

**WHEREAS**, on October 2, 2000, the City Council of the City of Azusa, approved an Exclusive Franchise Agreement with Arakelian Enterprises, Incorporated (“Contractor”), for refuse collection and recycling services (“Original Agreement”); and

**WHEREAS**, on November 1, 2021, the City Council of the City of Azusa, approved the 26<sup>th</sup> Amendment to the Amended and Restated Franchise Agreement with Contractor for refuse collection, recycling and disposal services (“Amended Agreement”); and

**WHEREAS**, Section 5.0(B) of the Amended Agreement requires that the refuse collection, recycling and disposal services rates be modified annually to account for the cost of living changes, disposal costs, and other adjustments due to extraordinary increases in operating costs (“Adjustments”) on July 1 of each year; and

**WHEREAS**, refuse rate adjustments have been calculated pursuant to the terms and conditions of the Amended Agreement; and

**WHEREAS**, SB 1383, the Short-lived Climate Pollutant Reduction Act of 2016, requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The regulations place requirements on multiple entities including cities, residential households, commercial businesses and business owners, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets; and

**WHEREAS**, the City is required by state law to implement an organics waste recycling program for residential and commercial customers that are required by SB 1383 to implement organics waste recycling; and

**WHEREAS**, in order to implement the organics recycling program in the City, Athens Services, the City’s franchised trash hauler, is offering organics recycling services to residential and commercial businesses that are required to implement an organic recycling program under SB 1383, and charge these customers that utilize such services for the cost of those services; and

**WHEREAS**, the Monthly Organic Waste Recycling Rates (“trash rates”) attached herewith will be adopted and applicable to all residential and commercial customers required to comply with SB 1383 effective January 1, 2022 and if approved the new rates will be adjusted every July 1<sup>st</sup> based upon the annual percentage changes in the Consumer Price Index (CPI) as determined by the United States Department of Labor Statistics, All Urban Consumers for Garbage, and Trash Collection; and

**WHEREAS**, the City is proposing automatic rate adjustment beginning July 1, 2022, and each July 1 thereafter for a five-year period, through and including adjustments effective on or after July 1, 2026, the trash rates may be adjusted annually, without a further public hearing, according to CPI plus one percent capital improvement charge (CPI + 1), with a floor of 3%; provided, however, the monthly rates shall not increase by more than 10% in any fiscal year; and

**WHEREAS**, article XIII D, section 6 of the California Constitution (“Article XIII D”) requires that prior to imposing any increase to the trash rates, the City shall provide written notice (“Notice”) by mail of the new or increased trash rates to the record owner of each parcel upon which the trash rates are proposed for imposition and any tenant directly liable for payment of the trash rates, the amount of the trash rates proposed to be imposed on each parcel, the basis upon which the trash rates were calculated, the reason for the trash rates, and the date, time, and location of a public hearing (“Hearing”) on the proposed trash rates; and

**WHEREAS**, pursuant to Article XIII D such Notice is required to be provided to the affected property owners and any tenant directly liable for the payment of the trash rates not less than forty-five days prior to the Hearing on the proposed trash rates; and

**WHEREAS**, the City did provide such Notice to the affected property owners and tenants in compliance with Article XIII D; and

**WHEREAS**, on December 13, 2021, the City Council conducted a public hearing in accordance with Article XIII D and determined that a majority protest did not exist, and that the proposed trash rates could be implemented; and

**WHEREAS**, the City Council wishes to adopt the maximum rates for the solid waste charges effective January 1, 2022 and take other actions as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Azusa, California, does find and declare that:

**SECTION 1:** Adoption of 27<sup>th</sup> Amendment. The attached 27th Amendment to the Amended and Restated Franchise Agreement Between the City of Azusa and Arakelian Enterprises, Inc. for Refuse Collection, Recycling and Disposal Services (Exhibit A) is hereby approved.


**SECTION 2:** The rate schedule for the trash rates included in Exhibit A as a part of the twenty-seventh Amendment is approved, and shall supersede any rate schedule previously adopted.

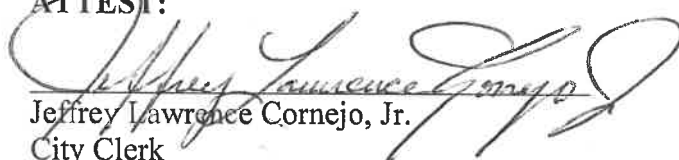
**SECTION 3:** Adoption of Automatic Rate Adjustment. Beginning July 1, 2022, and each July 1 thereafter for a five-year period, through and including adjustments effective on or after July 1, 2026, the trash rates may be adjusted annually, without a further public hearing, according to CPI plus one percent capital improvement charge (CPI + 1), with a floor of 3%; provided, however, the trash rates shall not increase by more than 10% in any fiscal year. Notice shall be provided at least 30 days prior to the effective date of such adjustment.

**SECTION 4: Effective Date.** This Resolution shall become effective upon its adoption.

**SECTION 5: Authorization.** That the Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Resolution.

**PASSED, APPROVED and ADOPTED** this 13th day of December, 2021.

  
\_\_\_\_\_  
Robert Gonzalez  
Mayor

**ATTEST:**  
  
\_\_\_\_\_  
Jeffrey Lawrence Cornejo, Jr.  
City Clerk


STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF AZUSA                    )

**I HEREBY CERTIFY** that the foregoing Resolution No. 2022-C55 was duly adopted by the City Council of the City of Azusa at a special meeting thereof, held on the 13th day of December, 2021 by the following vote of Council:

AYES:            COUNCILMEMBERS: GONZALES, ALVAREZ, AVILA, MENDEZ, BECKWITH  
NOES:            COUNCILMEMBERS: NONE  
ABSENT:         COUNCILMEMBERS: NONE

  
Jeffrey Lawrence Comejo, Jr  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Best Best & Krieger, LLP  
City Attorney

**EXHIBIT A  
TO FRANCHISE AGREEMENT  
BETWEEN THE CITY OF AZUSA AND ARAKELLAN ENTERPRISES, INC.**

**January 1, 2022 Refuse and Organics Recycling Rates**

**EXHIBIT A  
TO FRANCHISE AGREEMENT  
BETWEEN THE CITY OF AZUSA AND ARAKELLAN ENTERPRISES, INC.**

**January 1, 2022 Refuse and Organics Recycling Rates**

**Azusa Proposed Franchise Rates  
Effective January 1, 2022**

				<b>Proposed Monthly Rate</b>
<b>Residential &amp; Multi-Family Cart Service</b>				
Single-family	96 Gal	Base Rate		36.14
	96 Gal	Add'l Cart (Any Type)		8.00
	64 Gal	Add'l Cart (Any Type)		6.00
	32 Gal	Add'l Cart (Any Type)		4.00
<b>Commercial &amp; Multi-Family Bin</b>				
Bin: 6-Yard	6.00	1.00	1 day/week pickup	246.29
	6.00	2.00	2 day/week pickup	391.19
	6.00	3.00	3 day/week pickup	536.03
	6.00	4.00	4 day/week pickup	680.73
	6.00	5.00	5 day/week pickup	825.83
	6.00	6.00	6 day/week pickup	1,072.15
Bin: 5-Yard	5.00	1.00	1 day/week pickup	221.31
	5.00	2.00	2 day/week pickup	344.24
	5.00	3.00	3 day/week pickup	467.06
	5.00	4.00	4 day/week pickup	589.68
	5.00	5.00	5 day/week pickup	712.61
	5.00	6.00	6 day/week pickup	929.20
Bin: 4-Yard	4.00	1.00	1 day/week pickup	196.34
	4.00	2.00	2 day/week pickup	297.32
	4.00	3.00	3 day/week pickup	398.11
	4.00	4.00	4 day/week pickup	498.65
	4.00	5.00	5 day/week pickup	599.37
	4.00	6.00	6 day/week pickup	786.23
Bin: 3-Yard	3.00	1.00	1 day/week pickup	171.62
	3.00	2.00	2 day/week pickup	250.42
	3.00	3.00	3 day/week pickup	329.32
	3.00	4.00	4 day/week pickup	407.98
	3.00	5.00	5 day/week pickup	487.06
	3.00	6.00	6 day/week pickup	658.68
Bin: 2-Yard	2.00	1.00	1 day/week pickup	154.95
	2.00	2.00	2 day/week pickup	220.36
	2.00	3.00	3 day/week pickup	285.41
	2.00	4.00	4 day/week pickup	352.15
	2.00	5.00	5 day/week pickup	416.81
	2.00	6.00	6 day/week pickup	481.54

**Azusa Proposed Franchise Rates  
Effective January 1, 2022**

				<b>Proposed Monthly Rate</b>
<b>Commercial &amp; Multi-Family Bin (Continued)</b>				
<b>Bin: 1-1/2-Yard</b>	1.50	1.00	1 day/week pickup	118.27
	1.50	2.00	2 day/week pickup	196.65
	1.50	3.00	3 day/week pickup	273.79
	1.50	4.00	4 day/week pickup*	308.98
	1.50	5.00	5 day/week pickup*	362.89
	1.50	6.00	6 day/week pickup	416.81
<b>Compactor: 6-Yard Recycling</b>	6.00	1.00	1 day/week pickup	396.99
	6.00	2.00	2 day/week pickup	692.94
	6.00	3.00	3 day/week pickup	988.16
	6.00	4.00	4 day/week pickup	1,283.61
	6.00	5.00	5 day/week pickup	1,579.39
	6.00	6.00	6 day/week pickup	1,875.20
<b>Compactor: 3-Yard Trash</b>	3.00	1.00	1 day/week pickup	300.97
	3.00	2.00	2 day/week pickup	509.13
	3.00	3.00	3 day/week pickup	717.36
	3.00	4.00	4 day/week pickup	925.32
	3.00	5.00	5 day/week pickup	1,133.77
	3.00	6.00	6 day/week pickup	1,342.20
<b>Compactor: 2-Yard Trash</b>	2.00	1.00	1 day/week pickup	241.18
	2.00	2.00	2 day/week pickup	392.85
	2.00	3.00	3 day/week pickup	544.13
	2.00	4.00	4 day/week pickup	697.08
	2.00	5.00	5 day/week pickup	847.93
	2.00	6.00	6 day/week pickup	998.97
<b>Commercial Organics First Barrel</b>	1.00	1 day/week pickup	106.08	
	2.00	2 day/week pickup	184.16	
	3.00	3 day/week pickup	262.24	
	4.00	4 day/week pickup	340.33	
	5.00	5 day/week pickup	418.42	
	6.00	6 day/week pickup	496.49	
<b>Commercial Organics Each Additional Barrel</b>	1.00	1 day/week pickup	90.15	
	2.00	2 day/week pickup	156.81	
	3.00	3 day/week pickup	223.49	
	4.00	4 day/week pickup	290.15	
	5.00	5 day/week pickup	356.83	
	6.00	6 day/week pickup	368.43	
<b>Saturday Service</b>				180.89
<b>Lock-Lid Bin Change Out</b>				88.42
<b>Lock-Lid Ongoing Service</b>				9.74
<b>Temp Bins</b>				185.05
<b>Extra Dumps Perm or Temp - same day</b>				68.07
<b>Extra Dumps Perm or Temp - other day</b>				96.73
<b>Commercial Trash Barrel (each barrel, 2 barrels max)</b>				47.87
<b>Roll-Off Per pick-up + Actual MRF costs (1 ton included)</b>				466.73



OPTIONAL ADDITIONAL SERVICES	Proposed Rate
All Accounts: Declined Payment (any reason)	\$ 28.02
All Accounts: Late Fees (1.5% of past due balance per month, minimum fee)	\$ 5.60
All Accounts: Stand-by Time (each delay of 15 minutes)	\$ 39.22
All Accounts: Stop Service and/or Resume Service	\$ 28.02
All Accounts: Container Repair (per hour, excluding parts)	\$ 103.33
Permanent Bin Accounts: Bulky Item Pickup - First Item or Dead-Run on Scheduled Bulky Item Collection	\$ 28.02
Permanent Bin Accounts: Bulky Item Pickup - Each Additional Bulky Item after First Item	\$ 16.81
Permanent Bin Accounts: Bin Exchange with Metal Lids	\$ 214.44
Permanent Bin Accounts: Custom Bin Fabrication (per cubic yard)	\$ 327.78
Permanent Bin Accounts: On-Call Bin Rental or Tipping Bin Rental (per month)	\$ 59.36
Permanent & Temporary Bin Accounts: Delivery, Exchange, Size Exchange, Removal, Wash-Out	\$ 88.43
Permanent & Temporary Bin Accounts: Dead-Run, Go-Back, Excess Waste, Excess Weight	\$ 67.24
Permanent & Temporary Bin Accounts: Bin Exchange - Burned Bin	\$ 800.00
Permanent & Temporary Bin Accounts: Push-Out or Scout Service (per bin x frequency)	\$ 6.72
Permanent & Temporary Bin Accounts: Bin Enclosure Litter Clean-Up (per enclosure)	\$ 27.78
Permanent & Temporary Bin Accounts: Bin Enclosure Pressure Washing (per hour, 1 hour minimum)	\$ 83.33
Temporary Bin Accounts: 3 Cubic Yard C&D Bin (per lift - Includes 7 days rental)	\$ 327.78
Temporary Bin Accounts: Demurrage (per day - no dump in 7 days)	\$ 5.60
Permanent Cart Accounts: Cart Replacement (customer damage, stolen)	\$ 100.00
Permanent Cart Accounts: Delivery, Exchange, Size Exchange, Bring In, Wash-Out	\$ 24.63
Permanent Cart Accounts: Dead-Run, Go-Back, Excess Waste, Excess Weight, Extra Pick-Up	\$ 24.84
Permanent Cart Accounts: Roll-Out Service (per month)	\$ 22.22
Permanent Cart Accounts: Cart Wash-Out Service (Includes three carts)	\$ 22.22
Permanent Cart Accounts: Cart Wash-Out Service (each cart over three carts)	\$ 5.56
Roll-Off Accounts: Overweight (in addition to disposal charges for each load exceeding 10 tons)	\$ 110.00
Roll-Off Accounts: Delivery, Bring-In, Dead-Run, Go-Back, Relocation, Same-Day Expedite	\$ 107.77
Roll-Off Accounts: <b>Roll-Top Lid Rental (per month)</b>	\$ 57.27
Roll-Off Accounts: Open-Top Box or Storage Box Rental (per month)	\$ 118.70
Roll-Off Accounts: Compactor Rental (per month)	\$ 534.17
Roll-Off Accounts: Plastic Liner	\$ 43.33
Roll-Off Accounts: Certificate of Destruction	\$ 50.00
Roll-Off Accounts: "Rocket Launcher" Service (per hour for actual hours billed by subcontractor)	\$ 148.89
Roll-Off Accounts: Demurrage on Hauler-Owned Containers (per day - no hauls in 30 days)	\$ 13.44
Roll-Off Accounts: Compactor Wash-Out	\$ 219.61
All Accounts: Organic Container Contamination - First Offense During Program Implementation Phase	\$ 50.00
All Accounts: Organic Container Contamination - Second Offense During Program Implementation Phase	\$ 100.00
All Accounts: Organic Container Contamination - Third Offense During Program Implementation Phase	\$ 250.00
All Accounts: Organic Container Contamination - First Offense During Program Enforcement Period	\$ 100.00
All Accounts: Organic Container Contamination - Second Offense During Program Enforcement Period	\$ 200.00
All Accounts: Organic Container Contamination - Third Offense During Program Enforcement Period	\$ 500.00

Note: All rates are "per occurrence" - unless noted otherwise.

Note: The organics program implementation phase ends June 30, 2025 and the organics program enforcement phase begins on July 1, 2025.