

**RESOLUTION NO. 5630(10)**

**A Resolution Of The Council Of The City Of Lompoc,  
County Of Santa Barbara, State Of California,  
Establishing New Rates And Fees For The Collection And Disposal Of Solid Waste**

WHEREAS, California Public Resources Code Section 20059 and Lompoc City Code Section 8.04.160, authorizes the City Council to establish rates and fees for its Solid Waste Collection and Disposal System ("System"); and

WHEREAS, after review of relevant financial data, the Management Services Director and his staff have determined that existing System rates and fees presently generate insufficient revenue to support and continue the prudent operations of the System for adequate health, safety, and sanitation of the public, at existing levels; and

WHEREAS, staff has proposed certain changes to the System rates and fees and has given notice of the proposed new rates and fees as required by law; and

WHEREAS, a notice of the public hearing of the proposed changes to the System rates and fees was mailed to each rate payer not less than forty-five (45) days prior to the public hearing, in compliance with Section 6 of Article XIII-D of the Constitution of the State of California; and

WHEREAS, a duly noticed public hearing for the proposed rate and fee increases was held before the City Council on May 18, 2010; and

WHEREAS, on May 18, 2010, the City Clerk advised the Council \_\_\_\_\_ written protests of the proposal to raise collection rates were received prior to the hearing; and

WHEREAS, on May 18, 2010, the City Council received \_\_\_\_\_ written protests against the increase in collection rates submitted at the time of the public hearing; and

WHEREAS, the total number of written protests was less than fifty percent (50%) of the total number of protests that could legally be presented; and

WHEREAS, after hearing public testimony and staff's report and recommendations, the City Council has determined that certain rates and fees for the City's Solid Waste Collection and Disposal System should be revised and amended.

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

**SECTION 1.** FINDINGS. After hearing testimony, considering the evidence offered, and duly deliberating the matters presented, the Council of the City of Lompoc finds and determines that:

- A. The California Integrated Waste Management Act of 1989, is set forth at Public Resources Code Sections 40050, et seq. ("Act").
- B. The goal of the Act is to improve the methods used to manage solid waste in the State of California by using source reduction, recycling, and composting strategies wherever and whenever feasible, before using environmentally safe land disposal of remaining wastes.

- C. The mission of the City of Lompoc's Solid Waste Division is to provide the residential and business communities of Lompoc with an integrated waste management system which will protect landfill capacity, conserve natural resources, and promote waste management and effective recycling, in a safe, cost-effective and environmentally beneficial manner, while providing exceptional customer service.
- D. Pursuant to Public Resources Code Section 40059 and Lompoc City Code Section 1715, the City Council has the authority to establish rates and fees for its Solid Waste Collection and Disposal System.
- E. The proceedings related to the proposed increases in Solid Waste Collection and Disposal rates and fees have been duly noticed in compliance with the Constitution of the State of California, Government Code Section 54354.5, and other applicable laws.
- F. The rates and fees set forth below are not discriminatory.
- G. The rates and fees set forth below are not excessive, inasmuch as revenues from such rates and fees will not exceed the cost of providing Solid Waste services within existing service areas.
- H. The revenue generated by the rates and fees set forth below will be sufficient to pay the current expenses of maintenance and operation of the Solid Waste System, to honor other City obligations dependent upon System revenues, and to allow the City to comply with Government Code 54515 and other applicable laws and regulations.
- I. Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines including, but not limited to, Subsection 21080 (b)(8) and Section 15273, the approval of this Resolution is Statutorily Exempt from environmental review, inasmuch as the rates and fees to be implemented are for the purposes of meeting the System's operating expenses; purchasing or leasing supplies, equipment and materials; meeting financial reserve needs and requirements; and funding capital projects, necessary to maintain service within existing service areas.

**SECTION 2.** SERVICE RATES AND FEES. Based upon the foregoing findings, the City Council hereby approves the monthly rates and fees and the effective dates thereof as set forth in Attachment One and in Exhibits 1-5, all of which are hereby incorporated in this Resolution by this reference.

**SECTION 3.** COLLECTION. The City Council hereby directs that the rates and fees established by this Resolution shall be billed and collected together with charges for the other utility services rendered by the City of Lompoc.

**SECTION 4.** ENFORCEMENT. In the enforcement of the collection of the rates and fees established herein, the City of Lompoc may use any available remedy at law or in equity; provided, however, that said rates and fees shall not be collected by means of the Santa Barbara County Assessor's roll of real property taxes, nor shall any delinquent fees be enforced by means of a lien on real property.

**SECTION 5. SEVERABILITY.** If any provision of this Resolution or its application to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this Resolution that can be given effect without the invalid provision or application; and to this end, the provisions of this Resolution are held to be severable. The City Council declares that it would have adopted this Resolution regardless of the fact that one or more sections, subsections, clauses, or phrases may be determined to be invalid or unconstitutional.

**SECTION 6. EFFECTIVE DATE.** This Resolution is effective on the day of its adoption. Except as amended herein, all City Solid Waste Collection and Disposal System rates and charges previously in effect shall remain in full force and effect.

The foregoing Resolution was proposed by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, and duly passed and adopted by the Council of the City of Lompoc at its regular meeting on May 18, 2010, by the following electronic vote:

AYE: Council Member(s):  
NO: Council Member(s):  
ABSENT: Council Member(s):

\_\_\_\_\_  
Michael A. Siminski, Mayor  
City of Lompoc

ATTEST:

\_\_\_\_\_  
Donna N. Terrones, CMC  
City Clerk, City of Lompoc

Attachments: [Attachment One](#)  
Exhibit 1 - Single Family Residential Collection Rates  
Exhibit 2 - Multi-Family Residential Collection Rates  
Exhibit 3 - Commercial Collection Rates  
Exhibit 4 - Special Events and Special Haul Rates  
Exhibit 5 - Landfill Disposal Fees