

Council Meeting of
January 24, 2012

SUPPLEMENTAL MATERIAL

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the City Council:

SUBJECT: Supplemental material to Item 13A

Since the posting of the Agenda, the City has received additional correspondence regarding this Item, which is included as Attachment A. Additionally, the **RESOLUTION** has been revised and is included as Attachment B.

Respectfully submitted,



Robert J. Beste
Public Works Director

Noted:



LeRoy J. Jackson
City Manager

Attachment: A. Correspondence received
B. Revised Resolution

Subject: FW: Green Waste Recycling Program for the 24th

From: Herbers, Sue
Sent: Monday, January 23, 2012 12:13 PM
To: Sherman, Alison
Subject: FW: Green Waste Recycling Program for the 24th

For the record.

From: Sutherland, Bill
Sent: Monday, January 23, 2012 11:21 AM
To: Herbers, Sue
Subject: Fw: Green Waste Recycling Program for the 24th
Sent from my Verizon Wireless 4G LTE Phone
 -----Original message-----

From: Brett MacKenzie <shimmertone_la@yahoo.com>
To: "Sutherland, Bill" <BSutherland@TorranceCA.gov>
Sent: Mon, Jan 23, 2012 18:58:04 GMT+00:00
Subject: Green Waste Recycling Program for the 24th

Dear Councilman Sutherland,

Thank you for your quick and thoughtful responses. For the record, my wife and I live at 424 Via La Selva, Torrance, 90277 in the Hollywood Riviera.

We are unable to attend the meeting this evening so these are my bullet-points as regards the Green Waste Recycling Expansion:

- > We are FOR the expansion. The current defacto partial implementation has caused a direct inequity which costs us real money. Many weeks I am forced to pay for the disposal of our green waste by private companies while many of those surrounding me enjoy the city service.
 - > Established Rule, Logic and Fairness are either FOR the expansion or the total elimination of the program. One or the other. If 50% plus 1 of the voters protest then 9,500 green containers get picked up and there is no more green waste recycling in Torrance. If fewer than 50% plus 1 of the voters protest then the program gets rolled out to the entire City. This seems a fair and simple rule which was, for some reason, disregarded in January 2010 when the Council decided to let the voices of 5.5% of the electorate carry the decision. This was a mistake which needs to be remedied immediately.
 - > There is substantial weirdness in the history of this program and I am, by no means, attempting to address all of it here and largely because I believe the Council is already aware that this has been handled badly. I WILL GET MUCH MORE DETAILED ON LAYING OUT MY CASE IN THE LITIGATION THAT MY NEIGHBORS AND I WILL INITIATE SOON AFTER ANOTHER DECISION THAT IGNORES ESTABLISHED RULE, FAIRNESS AND LOGIC.
- We thank the Council for its time and we trust that all of this will be made right tonight.

Brett MacKenzie
 ph(310)433-3438

--- **On Mon, 1/16/12, Sutherland, Bill wrote:**

From: Sutherland, Bill
Subject: Re: Green Waste Recycling Program / Demand to Be Included
To: "Brett MacKenzie"
Date: Monday, January 16, 2012, 4:46 PM

ph(310)433-3438

--- **On Mon, 1/16/12, Sutherland, Bill wrote:**

From: Sutherland, Bill

Subject: Re: Green Waste Recycling Program / Demand to Be Included

To: "Brett MacKenzie"

Date: Monday, January 16, 2012, 4:46 PM

Brett I don't know. I think it will pass. Rather truant take time off of work e-mail your concerns and I will make sure they are put into the record

Sent from my Verizon Wireless 4G LTE Phone

-----**Original message**-----

From: Brett MacKenzie

To: "Sutherland, Bill"

Sent: Mon, Jan 16, 2012 23:47:51 GMT+00:00

Subject: Re: Green Waste Recycling Program / Demand to Be Included

Dear Coucilman Sutherland,

Happy New Year. Just wanted to get a quick read from you on the Green Recycling Bin issue. My wife and I attended the scheduling meeting on November 22 regarding the issue. I said what I could at that meeting because I thought I might be scheduled to work the night of the council vote. It turns out that I am scheduled to work on the 24th.

Anyway, I've invested some time on the issue and it is important to me that the program get rolled out city-wide. So, I could take 1/2 shift off (I'm a Fireman with the County in Lawndale) but only if there is a need. I don't want to waste my time and I certainly do not want to waste yours with a bunch of "yapping" when you could be home with your families.

So, can you tell me at this point, do you see the vote going any other way than to fully implement, on a city-wide basis, the green bin program (with the attendant rate increases)?

Thanks very much.

Respectfully,

Brett MacKenzie

424 Via La Selva, 90277

ph(310)433-3438

--- **On Wed, 5/25/11, Sutherland, Bill wrote:**

From: Sutherland, Bill

Subject: Re: Green Waste Recycling Program / Demand to Be Included

To: "Brett MacKenzie"

Date: Wednesday, May 25, 2011, 6:04 PM

Brett we tried over a year ago to do what you suggested the original price increase was going to be around 5:85 a month will a lot of complaints we got it down to 3:85 a month and at that hearing we still had a lot of citizens complain about the price increase in this economy it will come back to us at some point. As of now there is no date. please feel free to contact me if you need more info

Regards Bill Sutherland

Torrance City Councilman

-----**Original message**-----

From: Brett MacKenzie

To: "Scotto, Frank" , "Barnett, Gene" , "Brewer, Tom" , "Furey, Pat" , "Numark, Cliff" , "Rhilinger, Susan" , "Sutherland, Bill"

Sent: Wed, May 25, 2011 23:59:42 GMT+00:00

Subject: Green Waste Recycling Program / Demand to Be Included

Ladies and Gentlemen,

My name is Brett MacKenzie. My wife and I have lived in the Riviera for 2(1/2) years now (424 Via La Selva). I moved from Pacific Palisades and my wife from Hermosa.

I'm writing in an attempt to correct what has become a significant inequity. Each Tuesday-Wednesday I

1/24/2012

drive by homes not 100 yards from us in two directions that have green recycling containers. This, while my black landfill container overflows with yard clippings most weeks with no room for solid waste.

This, while paying unbelievably exorbitant rates for waste disposal.

I've inquired of various municipal parties as to why some homes have these and some do not. I was initially told that the green containers were part of a "pilot program". That struck me immediately as a little curious. Per the municipal website, it appears that this "pilot program" is quickly approaching its fifth anniversary. If this ever was a "pilot program" it long ago lost this status.

Most recently, I've spoken with several individuals within the Public Works Department who've been very helpful in different ways. Several of them, who shall remain nameless, agree that this is no "pilot program" and some acknowledge the inequity saying "you guys have been subsidizing the guys with green containers all this time."

These statements hold little flavor of scandal due to their obviousness.

I do not want those who have the containers to have them taken away as it looks like they've, understandably, grown pretty reliant on them. What obviously needs to happen is to charge the additional fee to all residents and get everyone included. I'm told there was a vote as to this and that the residents agreed to pay. If this is the case, then why hasn't the fee been levied and the service expanded?

I actually gave my name and contact information to someone in Public Works just in case "this ever comes up in a city council meeting." I don't mean to be abrupt but I really don't have the time to wait for the glacial progress of municipal politics. I am paying to get yard clippings hauled away right now.

I am, simply and formally, demanding to be a part of the pilot program immediately. This has gone on long enough. If I do not have a green container by Wednesday, June 15th (trash day) then I will file suit in order to accomplish this or to obtain monetary remedy.

If enough people do this then maybe the city will reach a "tipping point" and be driven from its inertia. If you doubt my resolve or tenacity, I can put you in touch with those who may have doubted it before in cases like this.

I await your response before further action.

Sincerely,

Brett MacKenzie

ph(310)433-3438

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING RESOLUTION NO. 90-83, RESOLUTION NO. 92-92 AND RESOLUTION NO. 2002-87 IN THEIR ENTIRETY AND REPEALING SECTIONS 1 AND 2 OF RESOLUTION NO. 93-92 AND ESTABLISHING THE RATES FOR THE SANITATION SERVICES FEE

- WHEREAS**, State law permits cities to recover the costs of providing services in the form of fees; and
- WHEREAS**, the fees for collection of residential refuse and recyclable materials within the City are based on the cost of providing such services; and
- WHEREAS**, the costs of providing these services has increased due to the need to comply with environmental laws, rules, and regulations including but not limited to the California Integrated Waste Management Act of 1989 (AB 939), the Global Warming Solutions Act of 2006 (AB 32), the Clean On-Road Residential and Commercial Refuse Collection Vehicles Rule (AQMD Rule 1193), and various rules and regulations of the California Air Resources Board (CARB) relating to diesel particulate matter control measures; and
- WHEREAS**, the costs of providing these services has increased including but not limited to the costs related to the maintenance of existing vehicles and purchase of alternative fuel vehicles as well as the implementation, promotion and education of waste diversion programs such as recycling and green waste recycling; and
- WHEREAS**, the City Council, as part of Torrance's Cool Cities initiative, would like to provide enhanced environmental programs for its citizens; and
- WHEREAS**, the City Council has previously set the date of January 24, 2012 as the date for a Public Hearing for consideration of rates for the sanitation services fee (including automatic adjustments to become effective for the next 5 years); and
- WHEREAS**, notice of the January 24, 2012 public hearing (the "Hearing"), and of the proposed rates was mailed to each property owner or tenant if they are the billed party as required by the state constitution; and
- WHEREAS**, such mailing was completed on December 5, 2011; and

WHEREAS, at the Hearing, the City Council heard and considered all oral and written testimony and protests; and

WHEREAS, the City Council desires to approve the proposed schedule of rates for the sanitation services fee.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Torrance that:

SECTION 1

Resolution No. 90-83 is repealed in its entirety.

SECTION 2

Resolution No. 92-92 is repealed in its entirety.

SECTION 3

Resolution No. 2002-87 is repealed in its entirety.

SECTION 4

Sections 1 and 2 of Resolution No. 93-92 are repealed.

SECTION 5

The rates for the Sanitation Services Fee will be as follows:

Single Family Residence	\$25.08 per month (base fee: a 64 gallon refuse container)
Each additional residential unit	\$25.08 per month (equal to base fee)
Shared Alley Service	\$25.08 per month per unit (equal to base fee)
96 Gallon refuse container option	\$26.08 per month
Qualifying low income seniors	\$8.72 per month (with 64 gallon refuse container)
Qualifying low income disabled	\$8.72 per month (with 64 gallon refuse container)
Additional refuse containers	\$18.81 per month (75% of base fee)
Additional refuse containers delivery	\$10.00 one time fee per delivery
Start of service fee	\$4.00 one time fee

These new rates shall be in full force and effect February 1, 2012.

Opening and closing bills and bills for irregular periods shall be prorated on the basis of a 30 day month.

Each July 1st, for the next 5 years, the base fee (64 gallon refuse container), 96 gallon refuse container option fee, additional refuse container fees and fees for qualifying low income seniors and low income disabled persons will increase by the Consumer Price Index – Los Angeles, Anaheim, Riverside for all urban wage earners and clerical workers (CPI-W).

The rates effective July 1, 2016 shall continue in effect until amended or repealed by action of the City Council.

SECTION 6

It shall be the duty and function of the Director of Finance to administer this Resolution.

SECTION 7

The City Council of the City of Torrance declares that if this Resolution is overturned or rescinded due to a challenge in court, or if cannot be applied to a given fee payor for any reason, that it is the intent of the City Council of the City of Torrance to apply the Resolutions listed above as if they had not been repealed such that each fee payor is obligated to pay the fee under this Resolution or the prior Resolutions as the case may be.

SECTION 8

The City Council hereby finds:

- A. That written protests against the rates established in Section 5 of this Resolution have not been received with respect to a majority of affected customers.
- B. That revenues derived from those rates will not exceed the funds required to provide sanitation service.
- C. That revenues derived from those rates will not be used for any other purpose other than providing sanitation service.
- D. That the amounts of those rates imposed upon any parcel or person as an incident of property ownership will not exceed the proportional cost of the service attributable to the parcel.
- E. That those rates will not be imposed unless sanitation service is actually used by, or immediately available to, the customer.

- F. That those rates are imposed for sanitation service and not for a general governmental service such as police, fire, ambulance or library services.

INTRODUCED, APPROVED AND ADOPTED this _____ day of _____, 2012.

Mayor of the City of Torrance

ATTEST:

City Clerk of the City of Torrance

APPROVED AS TO FORM:

JOHN L. FELLOWS III
City Attorney

By: _____
Patrick Q. Sullivan, Assistant City Attorney