

From: Kit Kubitz [REDACTED]
To: "thomas.owen@sfgov.org" <thomas.owen@sfgov.org>, "city.administrator@sfgov.org" <city.administrator@sfgov.org>,
Date: 12/14/2015 07:59 AM
Subject: Refuse Rate Board Meeting Dec. 16.

Dear Mr. Owen,

I believe certain information must be added to the record for the Dec. 16 Hearing. Enclosed are some materials to be submitted, and requests for information from DPW and Recology. Because I do not have e mail addresses for the Rate Board, please let them know that this material has been submitted. It is not clear if the current Rate Board is the same membership which heard the 2013 hearings and objections.

This pilot program was strongly objected to on the basis of Proposition 218, and available evidence only shows that it is a general service, in effect a tax increase, loaded onto property owners refuse rates without appropriate approval processes. It also does not appear to be cost effective, given the increasing tonnage of disposal collected by both Recology and SF DPW as shown in the report, p. 3-4. If more costly than City abandoned materials collection, and clearly not property parcel related, it should not have been approved under 218. The PIOs appear to benefit Union Square business (and perhaps the Super Bowl cleanup). I have asked for copies of any reports, and any citations issued, because DPW is paying for 6-8 PIOs (paid at SFPolice Dept starting salaries of \$82,000 per year for Job Classification 1312), and 2 analysts. The analysts must be analyzing something, thus have reports available.

I believe that the notice received was somewhat deficient about the Special Reserve Fund, because it suggests that it would only consider whether "If some or all of the Fund is no longer needed as of the expiration of the 1987 agreement the Board will determine how the funds will be used." This is only a partial truth, for the proposed hearing is on whether to establish a New Reserve Fund, comprised of from \$3 to \$15 million, and defer indefinitely any return of excess Special Reserve Funds to San Francisco refuse customers. As you know, I requested in 2013 the return of some of the \$30 million Special Reserve Fund as a reduction in refuse rates.

Please transmit this information to anyone else in the City government who needs to receive it. I wanted to give advance notice of my objections before attending the hearing. In case I am not able to attend, I still believe the Rate Board should know why DPW street collection is rising and continuing, along with a 1000 ton increase in Recology Abandoned Materials Collection over estimates, and PIO's who mainly appear to benefit businesses and holiday cleanup.

Kermit R. Kubitz 415-412-4393 mesondk@yahoo.com

Sent from my iPhone
<AMC PIO Dec 16.pdf>
<AMC SF DPW Dec 16.pdf>
<Prop 218 Dec 216.pdf>



CITY & COUNTY OF SAN FRANCISCO

Outreach and Enforcement Team (OnE Team)

San Francisco is a beautiful city and we want to keep it that way. In fact, we want to make it even better. San Francisco Public Works can't do it alone. That's why we created the Outreach and Enforcement Team. Comprised of public information officers and program analysts, the OnE Team has a strong community presence.

The team is responsible for educating merchants, property owners, and residents of their rights and responsibilities regarding street and sidewalk cleanliness and enforcing City codes to ensure sanitation standards are met. Team members are assigned geographic zones, each with their unique needs, to keep these San Francisco communities beautiful, vibrant and sustainable.

The Outreach and Enforcement Team meets regularly with the community, attends community meetings and distributes informational packets. Additionally, the team supports Public Works' programs, such as Giant Sweep, Community Clean Team, Community Corridors and more.



Public Information Officers

The Public Information Officer's (PIO) primary role is to educate and inform the public and key Public Works partners about federal, state and local laws and ordinances. PIOs work with the general public, residents, merchants and private property owners to:

- Provide information on cleanliness standards
- Prevent illegal dumping
- Investigate complaints
- Enforce City codes
- Attend merchant and neighborhood association meetings
- Resolve issues and concerns raised by the public
- Work with private and other City agencies to solve problems
- Inspect City streets and sidewalks by foot
- Write citations and Notices of Violation when warranted
- Ensure all property owners maintain adequate garbage services

Inspection Schedule

For a schedule of upcoming inspections this year please [click here](#).



City and County of San Francisco

**UNION SQUARE
NIGHT WALK APRIL 2015**

street name	parameters: to - from	alleys near vicinity	total number of blocks to inspect	PIO day of inspection	date of inspection	inspection time
ofarrell	grant/market to taylor	security pacific, elwood	5	Tuesday	04/28/15	6pm - 9pm
mason	geary to bush	derby	3.5	Wednesday	04/29/15	6pm - 9pm
geary	kearny to mason	n/a	4	Thursday	04/30/15	6pm - 9pm
sutter	mason to kearny	(claudie)	4	Tuesday	05/05/15	6pm - 9pm
bush	kearny to stockton	claudie, mark, chatham	4	Wednesday	05/06/15	6pm - 9pm
bush	kearny to mason	burritt, dashell hammett, timothy pflueger	5	Thursday	05/07/15	6pm - 9pm
market	van ness to 8th	n/a	4	Tuesday	05/12/15	9pm - 12am
grant	market to post	maiden (grant to kearny)	4	Wednesday	05/13/15	6pm - 9pm
grant	post to bush	ashburton, tillman, harlan	4	Thursday	05/14/15	6pm - 9pm
post	taylor to kearny	robert kirk	5.5	Tuesday	05/19/15	6pm - 9pm
geary	mason to jones	shannon (geary to post)	3	Wednesday	05/20/15	6pm - 9pm
ellis	stockton/market to mason	cyril magnin (ellis to ofarrell)	4	Thursday	05/21/15	6pm - 9pm
market	4th to 1st	annie (market to stevenson)	4.5	Tuesday	05/26/15	9pm - 12am
eddy	market to mason	cyril magnin (eddy to ellis)	3	Wednesday	05/27/15	6pm - 9pm
taylor	ofarrell to post	derby, isadora duncan	3	Thursday	05/28/15	6pm - 9pm
market	8th to 4th	charles brenham (market to mcallister)	5	Tuesday	06/02/15	9pm - 12am
stockton	market to post	maiden (stockton to grant)	5	Wednesday	06/03/15	6pm - 9pm
stockton	post to bush	campton	3	Thursday	06/04/15	6pm - 9pm
mason	market to geary	elwood	5	Tuesday	06/09/15	6pm - 9pm

San Francisco Public Works
Abandoned Materials Collection Program
Report to the Refuse Collection and Disposal Rate Board
October 30, 2015

1. BACKGROUND

In July, 2013, Recology assumed responsibility for responding to routine requests (311 calls) for collecting abandoned materials. By dividing the City into five zones and using two trucks per zone (one packer and one box truck), Recology indicated that it would be able to reduce the response time for removing materials and would be able to increase the amount of material diverted from the landfill. The Rate Board approved transfer of the Abandoned Materials Collection (AMC) Program to Recology as part of the 2013 Rate Order, on a pilot basis, and requested that the Director of Public Works provide a report on the effectiveness of the program, using three measures – response time, service level, and diversion.

2. ABANDONED MATERIALS COLLECTION PROGRAM PERFORMANCE

Per the Rate Board request, the effectiveness of Recology's assumption of the AMC Program can be measured according to response time, service level, and diversion, as discussed below.

a. Response Time

The City's standard response time for 311 street and sidewalk cleaning service requests is 48 hours. One of the objectives of transferring the AMC Program to Recology was to reduce the length of time it takes to remove abandoned materials from City streets and public places. The Director's Rate Order established the following requirements for Recology to close service requests for abandoned materials:

1. Weekdays: within 4 business hours (240 minutes)
2. Weekends: within 8 business hours (480 minutes)

All 311 calls concerning abandoned materials are referred to Recology. Recology then schedules pickups and closes out the service requests when the materials have been removed from the street. In some instances, Recology refers the request back to the City (e.g., small items that are still collected by litter patrol trucks, broken bags and scattered items that require cleanup, car batteries and other hazardous or dangerous items). Public Works collects all 311 data for abandoned materials and calculates Recology's actual response time for the service calls they complete, according to the requirements established in the Director's Rate Order.

+K
+RE

b. Service Levels

In its application, Recology expressed concern that faster response times could result in an *increase* in routine service requests, with the AMC Program requiring greater resources than Recology committed to in its rate application. Public Works has compiled 311 service requests for the first two years of the program, as presented in Figures 2a and 2b.

Figure 2a

AMC Requests and Response Time per Fiscal Year

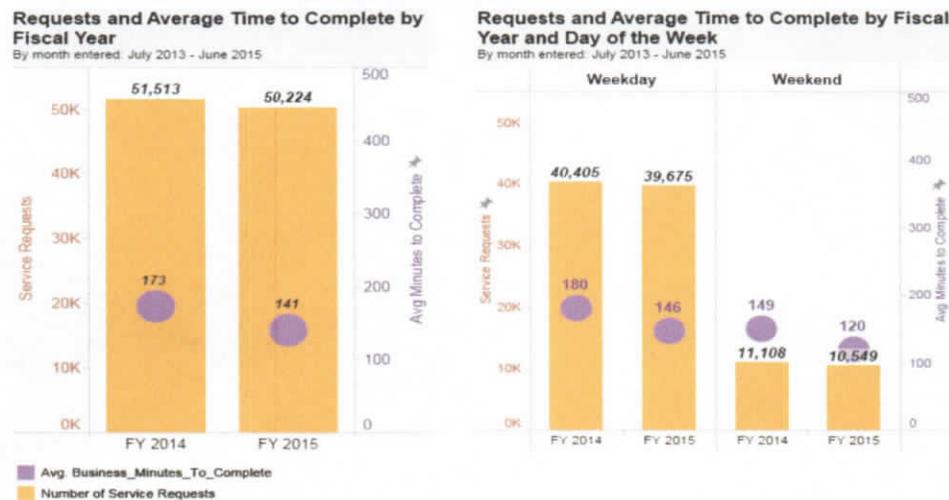
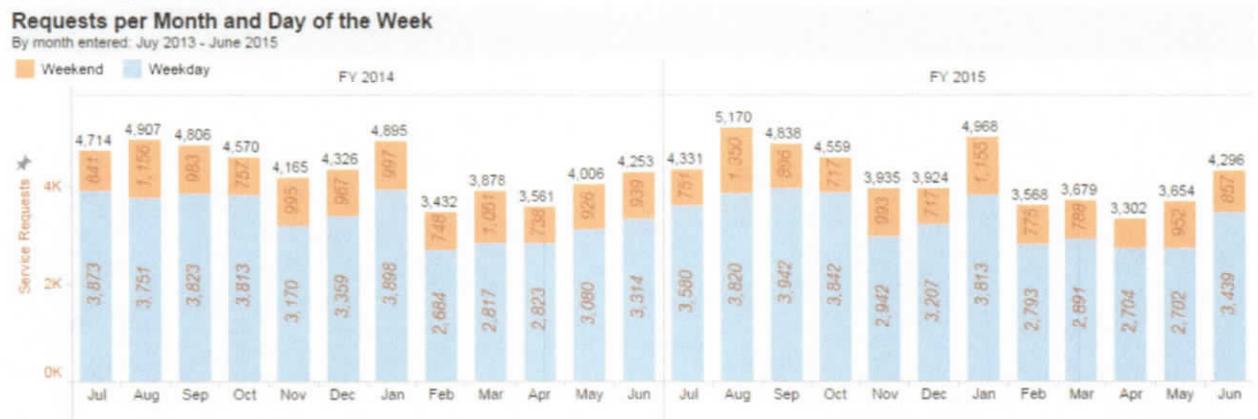


Figure 2b

AMC Requests per Month



In the first two years of responsibility, Recology completed more than 50,000 service requests each year (responding to about 40,000 weekday calls and 10,000 weekend calls), as shown in Figure 2a. As illustrated in Figure 2b, the number of service requests completed by Recology each month has

remained relatively constant over the two-year period. The monthly data also show the seasonal fluctuation in service requests, with spikes in the late summer (August) and the beginning of the year (January). These spikes are likely attributable to people moving in and out of dwellings at the beginning of the school year and post-holiday discards of replaced and unwanted items.

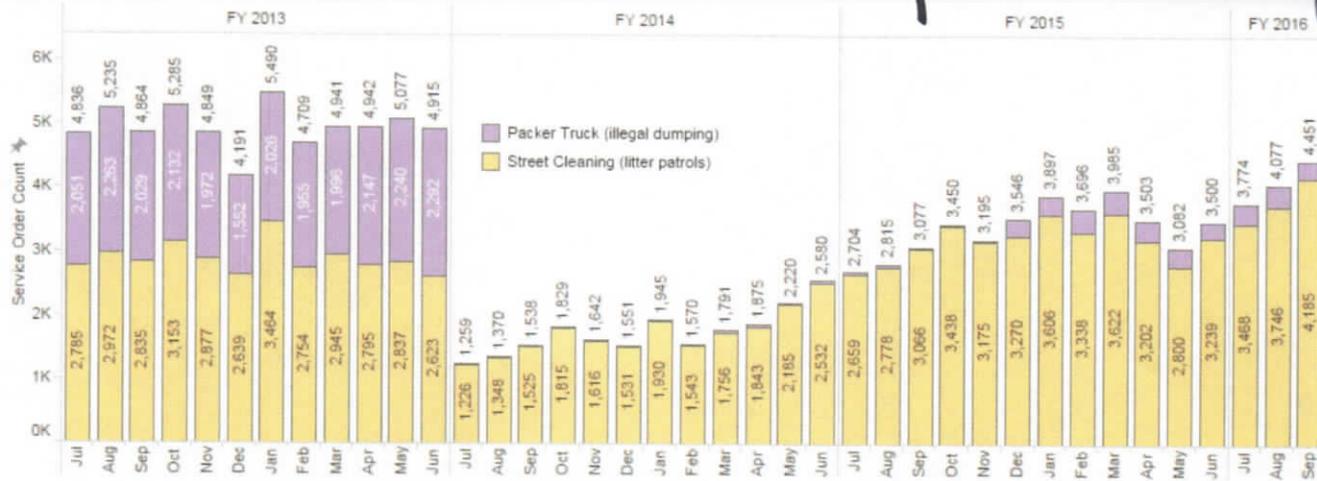
As part of the AMC Program, Recology also indicated that it would direct drivers to collect abandoned materials along their routes, even if it was not part of a scheduled pickup in response to a 311 service request. While Recology drivers have instituted this practice and report unscheduled pickups internally, these pickups are not reflected in the 311 data for tracking service requests or average response time. Nevertheless, they represent an added benefit of transferring the AMC Program to Recology.

Recology’s service levels can be compared to Public Works activities prior to transferring the AMC Program in July 2013. As illustrated in Figure 3, in fiscal year 2013 Public Works responded to an average of 5,000 service calls per month for abandoned materials, dispatching either packer trucks or litter patrol pickups. This is comparable to the number of service requests now being completed by Recology.

Figure 3
Public Works Requests Before and After Transfer of AMC Program

Public Works Collection Data

Source: 311 & Public Works 28Clean; by month received: July 2012 - September 2015



LATEST 12 M
 73000

In July 2013, Public Works reduced its deployment of packer trucks for abandoned materials, although it retained responsibility for some service calls, per an agreement with Recology (e.g., construction debris, hazardous materials, small items, broken bags and scattered items that require cleanup, homeless encampment items), which were assigned to litter patrol vehicles.

Figure 3 shows the reduction in service requests handled by Public Works with Recology’s assumption of the AMC Program for routine 311 calls in July 2013. Nevertheless, in the last 18 months, Public Works has seen a significant increase in the number of service calls handled by litter patrol vehicles (i.e., items for which Recology is not responsible, as noted above). In December 2014, Public Works placed several packer trucks back into service to support its Litter Patrol Services. Public Works is currently researching

OBJECTIONS AND REQUESTS FOR INFORMATION
REGARDING ABANDONED MATERIALS COLLECTION
AND SPECIAL RESERVE FUND REPORTS

TO: RATE BOARD
CITY OF SAN FRANCISCO

The San Francisco Department of Public Works had been ordered to provide reports by Nov 1, 2015, on the pilot program for Abandoned Materials Collection (AMC) and the Special Reserve Fund (SRF) foreseeable uses and prior expenditures, and any disposition of approximately \$30 million held in the SRF.

The DPW has placed copies of reports regarding these matters on its website, with the recommendation to maintain the current status of the AMC program, which is included as a cost element of about \$4 million plus a margin in Recology's rates; and the recommendation to transfer \$15 million to a new reserve fund (NRF) and hold for later determination the disposition of the remaining \$13-15 million.

The Rate Board has scheduled a hearing for December 16, 2015.

I object to the continuation of the Abandoned Materials Collection (AMC) program in its present form, and the use of the Special Reserve Fund (SRV) on the following bases.

1. The Abandoned Materials Program violates Proposition 218 in that it imposes a tax on property owners for services generally available to the public through the 311 system, and is not clearly demonstrable as related to property owners dumping. The PIOs appear to provide mostly business services (See Calendar, attached)
- 2A. The AMC Program is not cost effective. Compared to prior DPW funding it is substantially more costly, and has produced more trash dumped onto San Francisco streets. (\$4 million plus margin). Meanwhile, the 6-8 DPW PIOs have not been effective at reducing dumped trash, while being paid \$82,000 per year. Effectively, San Francisco residents are paying \$4 million more a year in refuse rates while seeing increased trash dumped on the streets. In the last 12 months, abandoned materials calls handled by the City have been above 3000 per month for every month, despite being initially lower. This is not cost effective. See page 3-4 of Abandoned Materials Collection Report (attached)
- 2B. The AMC Program has, by making it easy to dump, or fly-tip trash, increased the volume of trash or abandoned materials. The filed reports show a 1000 ton increased in Abandoned Materials compared to estimates and an increasing trend of calls for DPW to haul street refuse away.
3. The Special Reserve Fund cannot allocate \$12-15 million to a new reserve fund for Recology's Hayfill Road, Vacaville Landfill and then defer giving San Francisco residents the benefit of

1 CITY AND COUNTY OF SAN FRANCISCO
2 REFUSE COLLECTION AND DISPOSAL RATE BOARD
3 SPECIAL MEETING AND HEARING
4

5 CITY HALL
6 1 DR. CARLTON B. GOODLETT PLACE, ROOM 408
7 SAN FRANCISCO, CA 94102
8

9 Monday, July 8, 2013

10 Volume I
11 (pages 1-102)
12
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17
18
19
20
21

22 REPORTED BY: FREDDIE REPPOND
23

24 FREDDIE REPPOND, STENOGRAPHIC REPORTER
25 (415) 469-8867

1 So the first objections were by Josephine
2 Zhao. Is she available? Okay. Is there anyone on
3 behalf of her group, Asian American Voters? Okay. I
4 may come back to this one later in case they show up
5 later.

6 Okay. The second objection was by Stuart
7 Gardiner. If you could please come up. Thank you for
8 your time and for sharing your comments with us today.

9 MR. GARDINER: Thank you, Chairperson Yeung,
10 Members of the Board.

11 My comments are intended to focus largely on
12 the Director's response to objections. I'm assuming
13 that --

14 MS. YEUNG: Oh, I am so sorry. Thank you for
15 the City Attorney.

16 So I have to ask that we administer a oath for
17 you as a witness.

18 MR. GARDINER: Am I giving testimony?

19 MS. YEUNG: It's a form of testimony.

20 MR. GARDINER: Okay. I have no objection to
21 taking an oath, but it doesn't seem to me that I'm
22 giving any testimony. Nevertheless, go ahead.

23 MS. YEUNG: Okay. So if you could raise your
24 right hand. Do you solemnly state or affirm under
25 penalty of perjury that the evidence you give in this

1 matter shall be the truth, the whole truth, and nothing
2 but the truth?

3 MR. GARDINER: I do.

4 MS. YEUNG: Thank you.

5 MR. GARDINER: The presentation is intended
6 largely to focus on the Director's response to the
7 objections rather than repeat all of my written
8 objections, which I hope I've made adequately clear in
9 writing.

10 I want to start with the abandoned materials
11 collection program and to a similar extent the public
12 litter can program. The abandoned materials collection
13 will increase Recology's annual revenues by about
14 \$4 million when you include the operating ratio. And
15 the use of Recology to collect public litter cans
16 apparently costs, as far as I can tell from the record,
17 about one and three-quarters million per year when you
18 include the operating ratio.

19 It's a win/win for DPW and Recology. DPW
20 frees up at least 931,000 and as much as 2.2 million
21 from its budget for abandoned materials alone and
22 Recology earns 4 million on that program. Only the
23 ratepayers lose from doubling the cost of the service
24 through outsourcing. Ratepayers also lose from funding
25 a municipal service from private refuse collection

1 rates.

2 I think it's worth repeating -- and I'll try
3 to be brief -- the text from Section 6(b) of Article 13
4 of the California Constitution which was added by
5 Proposition 218 in 1996. (reading) No fee or charge may
6 be imposed for general governmental services . . . where
7 the service is available to the public at large in
8 substantially the same manner as it is to property
9 owners.

10 And to be clear -- well, I've commented on
11 this in my objections. I would add only in terms of
12 understanding that part of the state constitution, it's
13 necessary to avoid the absurd result of government
14 outsourcing services with a regulated rate for private
15 business, particularly when you want to consider what it
16 means for the government to impose this, as this Board
17 or the Director is doing, whoever approves it, by
18 approving a rate increase that will include this program
19 for abandoned materials and public litter collection.

20 In the Director's objection (sic) there was no
21 dispute or reply that, for example, the program by
22 Recology, which was in the rate application itself, will
23 include, quote, Support for events identified by the
24 City, including selected parades, festivals, and
25 holidays. That's Exhibit 1 at pages 13 to 14 and also

1 Exhibit 41.

2 This has nothing to do with ratepayers
3 generating abandoned materials, let alone litter unless
4 the City plans to forbid anyone except property owners
5 from attending parades. It makes a mockery of the claim
6 that this is not a governmental service.

7 Further evidence that these are City services
8 and should properly remain so and funded by the City and
9 not the ratepayers is that the City's 311 system is used
10 and will continue to be used to request abandoned
11 materials collection. 311 is not used to obtain
12 nongovernmental services; and a caller, as far as I
13 know, need not be a resident or a property owner. There
14 was no response by the Director to this point in the
15 objection, I would note. It's not only unlawful for the
16 City at its own initiative to increase refuse rates to
17 pay for this municipal service, but Recology rates
18 cannot be just and reasonable when they conflict with
19 the state constitution.

20 The Director's response makes the fundamental
21 error of confusing the creators of abandoned material
22 and litter with those asking the City to clean it up. I
23 think this is a very important point, because throughout
24 the record what justification there is for shifting
25 these costs entirely to ratepayers rather than to the

1 public through the City's funding repeatedly says that
2 the ratepayers are the source, the cause if you will, of
3 the need for this service.

4 In the Director's response he says some
5 customers continue to leave materials on the street.
6 That's at page 4. On page 7 he says the cost for
7 collection of abandoned materials should not be
8 considered public costs, but rather costs for collecting
9 solid waste generated by ratepayers, albeit those who
10 are not complying with City codes. There's no evidence
11 that property owners are the source of all or even most
12 abandoned material. This confuses the causation of the
13 problem with those who actually want service from the
14 City to solve the problem. If I call 311 about
15 abandoned materials, I hope there's not the assumption
16 that I left them on the street in front of my house.

17 The reference to Exhibit 17 on page 5 of the
18 Director's response does not prove anything,
19 particularly because the exhibit is completely illegible
20 as posted online. It's not fair and it's not lawful to
21 rely on material in the record that cannot be seen by
22 people who want to comment on it. The Director's
23 response cites no other specific record evidence, just,
24 quote, extensive factual evidence. This is not a
25 showing from the record.

1 Since I arrived before the hearing, I looked
2 at Exhibit 17; and I would only comment that it exhibits
3 the same causation problem as the rest of the record
4 argument on this. It shows where calls for service have
5 come from and how much has been collected in abandoned
6 materials, but it does not show who caused the problem.
7 The public caused the problem and it's a public service
8 now and it should remain a public service. By the
9 Director's reasoning, only property owners should pay
10 for police services because the need for them was caused
11 only by those who don't comply with the laws.

12 Also, the Director's analogy on page 5 of his
13 comments to allow recovery of bad debt which are
14 uncollectibles from ratepayers is not persuasive and the
15 Board should not view it as persuasive. Bad debt is
16 accepted as a benefit for the service provider to allow
17 it to recover authorized operating costs and profit.
18 But the cost of abandoned material collection is
19 intended by the City as a service to refuse customers.
20 With bad debt -- with a bad debt allowance, Recology is
21 made whole, not punished for nonpayment by some
22 customers. But the City proposes that all customers
23 bear the burden of bad behavior by a few.

24 The Director's response points out that DPW
25 should be seen as spending more than \$2.2 million on the

1 MR. OWEN: Just submit it for the record.

2 MR. BAKER: So I submit the declaration. For
3 the record it's dated June 11th, 2013, by Paul F.
4 Giusti, attesting that the Prop 218 notice of this
5 hearing on this date, June 14th, 2013, was mailed on
6 April 29th, 2013, to 155,056 addresses in San Francisco.

7 MR. OWEN: Thank you.

8 MR. BAKER: Thank you.

9 DIRECTOR NURU: Thank you very much.

10 I will now ask Mr. Legg if he will please
11 describe what additional steps the Department of Public
12 Works took to publicize the notice of this hearing and
13 the protest procedures.

14 MR. LEGG: I'm Douglas Legg, manager of
15 finance, budget and performance at the Department of
16 Public Works; and have been the lead staff analyzing
17 this rate application.

18 DPW took the following steps with respect to
19 the notice for today's Proposition 218 hearing. The
20 notice was posted on DPW's Website in three languages,
21 English, Chinese, and Spanish. And I have a screenshot
22 to submit for the record of the refuse rate Web page
23 with the protest rights listed and copies of the notice
24 in three languages. We also created a link from the
25 Ratepayer Advocate's Website to the hearing notice. And

1 owns property that actually read this notice. Look at
2 the font on this. Most of my friends, when they
3 received this, threw it right in the garbage. Nobody
4 read it. It's insufficient notice, a Fourth Amendment
5 violation.

6 It's really not fair. Who in the world knows
7 what Prop 218 is? Not the average homeowner. So
8 just one thing.

9 The other thing is I'm a senior. I retired on
10 disability. I can't work. My Social Security
11 cost-of-living increases in the last four years have
12 been a little over one percent, zero percent, zero
13 percent, and three percent. And next year Obama wants
14 to change the method of calculation so it will get even
15 lower. We can't afford a 21.5-percent increase. It's
16 unconscionable.

17 We do their work for them so that they can
18 make money. I have no problem with doing it. But I
19 don't think I should have pay 21.5 percent more money
20 do their work for them. We should be getting a rate
21 reduction. They're making money off of us. It's a
22 private company. If they need money, they should go
23 and raise money like any other private company does
24 You either borrow it or you sell stock. That's what you
25 do. You don't do this off the backs of your customers

1 I have a screenshot of that, of the Ratepayer Advocate's
2 home page. And, finally, we posted the protest
3 guidelines on DPW's Web site in three languages. And
4 those guidelines -- we also have copies of those
5 guidelines, DPW Order No. 181,253.

6 DIRECTOR NURU: Thank you.

7 We have already received a number of written
8 protests. Does anyone in the audience have a written
9 protest that they would wish to submit at this time?

10 (A number of hands were raised.)

11 DIRECTOR NURU: Thank you. So while we count
12 this batch of protests, I will go ahead and move us into
13 public comment. So that means I will now take public
14 comment. Could everyone wishing to speak please give me
15 a show of hands so I can allow time for each person to
16 speak?

17 Okay. So I will allow each person two minutes
18 for public comment. When you come forward, please state
19 your full name so that the court reporter can enter it
20 into the record. Thank you.

21 Let's proceed with the first speaker. Do I
22 have speaker cards? Go ahead.

23 MR. ROUS: My name is Marvin Rous, R-o-u-s.

24 And the first thing I want to say is about the
25 notice. I am the only one of all of my friends that

1 And if you look around the room, look at all
2 the seniors here. Where do you think they're going to
3 get the money to pay for this? They're going to pass
4 on to tenants, if they have them. Where are the tenants
5 going to get the money? This city has a very high
6 unemployment rate, which I know of because my son has
7 trouble getting work. So I know what the story is. And
8 this is really unconscionable.

9 And when they asked for the monopoly, the
10 notices asking for the monopoly didn't look like this.
11 They were gigantic billboards and humongous mailings.
12 And not one of those notices that was supported by
13 everyone in City Hall ever said anything about a
14 potential rate increase that was going to be asked for
15 month after they got the monopoly. This is wholly
16 unfair. And, really, you should be here for us, not for
17 Recology.

18 Thank you.

19 DIRECTOR NURU: Next speaker, please.

20 MS. BURNS: My name is Mary Burns. I live in
21 the West Portal neighborhood in District 7.

22 I'm here to register my protest of these
23 proposed rates. Both programs -- the abandoned
24 materials collection program and the public litter can
25 maintenance program -- violate the State Constitution

1 Article 13 D, Section 6, by requiring property owner
 2 ratepayers alone to pay for a municipal service
 3 available to any individual organization in the city and
 4 benefiting all residents and visitors to the city.

5 In addition, this change would substantially
 6 increase costs over the amount currently spent by the
 7 DPW for these services, without adequate justification.
 8 DPW's own comments on the proposed changes admit that
 9 the annual program costs will increase by approximately
 10 half a million dollars a year over the current cost.

11 One particular item included in the Recology
 12 rate application states that the proposed service,
 13 quote, would also include supports for events identified
 14 by the City, including selected parades, festivals, and
 15 holidays. The California Constitution Article 13D
 16 explicitly states, quote, The amount of a fee or charge
 17 imposed upon any person or parcel as an incident of
 18 property ownership shall not exceed the proportional
 19 cost of the service attributed to the parcel.

20 It goes on to state, "No fee or charge may be
 21 imposed for general governmental service including but
 22 not limited to police, fire, ambulance, or library
 23 services where the service is available to the public at
 24 large in substantially the same manner as it is to the
 25 property owners."

1 So all of these services, especially cleanup
 2 after parades, benefit the general public and not the
 3 property owners specifically or exclusively and should
 4 continue to be funded from the City's budget, presumably
 5 through general funds. If the City wants to contract
 6 with Recology, it should be paid for by the City, not
 7 the ratepayers.

8 Thank you.

9 DIRECTOR NURU: Thank you. Next speaker,
 10 please.

11 MS. ZHAO: My name is Josephine Zhao. I am
 12 from asianamericanvoters.org. I represent a thousand
 13 Asian American residents in the City. And may I call
 14 for their -- opposed, they all say. Thank you.

15 We have collected 1,400 signatures in a mere
 16 one month. There is not enough time. There's no
 17 Chinese outreach in the Chinese newspaper or radio
 18 station. It just went by word of mouth. We have
 19 collected signatures not just from the property owners,
 20 but also residents, renters in the home at different
 21 buildings as well. We just didn't have any enough time.
 22 Otherwise you would see this building all swarmed with
 23 people.

24 The rate increase is unjust. First of all, it
 25 says it takes over certain City responsibility for

1 collecting refuse left on the streets and sidewalks.
 2 That means just tax we already pay for. Why do we
 3 to pay for it again?

4 And the rate increase is ridiculous. It's
 5 gone from about \$20 for a single-family home to about
 6 \$34. You didn't talk about -- the 21-percent rate
 7 increase didn't include a \$2 increase on the blue bin
 8 and a \$2 increase on the green bin; and then the \$5
 9 fixed charge. So that's \$34 for a single-family home.
 10 That's more than a 50-percent rate increase. That's
 11 about 75 percent.

12 How can we handle this? While on one hand,
 13 it's very difficult to raise rent on fixed income
 14 families, seniors cannot handle it. On the other hand,
 15 you can't pass it through easily to everybody in the
 16 building. But even if you could, everybody is going to
 17 pay for what the City should have done.

18 Thank you.

19 DIRECTOR NURU: Thank you.

20 Next speaker, please.

21 MS. HUBBARD: My name is Martha Hubbard.
 22 like just about everybody in the room, I'm a senior
 23 citizen living on Social Security.

24 And for me this increase represents a
 25 tremendous amount of money. For most of you that a

1 still working or for some people in better
 2 circumstances, \$6.60 only represents a cup of coffee.
 3 For me, \$6.60 represents a copayment for one of my
 4 medications. I definitely cannot afford that. I'm sure
 5 that there must be some way that a citizen can be spa
 6 that. I don't qualify for any help because,
 7 quote/unquote, the government considers that \$24,000
 8 year is above the poverty line. In San Francisco it is
 9 not. We barely have enough to cover our daily expenses.
 10 So please reconsider this increase.

11 Thank you.

12 DIRECTOR NURU: Thank you.

13 UNIDENTIFIED SPEAKER: This is my written
 14 protest against the proposed changes in residential
 15 refuse collection and disposal rates.

16 Initially, my understanding of the original
 17 residential refuse collection and disposal rates would
 18 not change. The cost of collecting, processing, and
 19 disposing of refuse from residential customers and
 20 Recology was a reasonable return on its investment.
 21 However, we must not forget the extra assistance need
 22 and provided by the residents. That includes the young
 23 seniors -- some living alone and are handicapped doing
 24 their best to wield those monstrous containers to the
 25 curb for pick up by the driver every week, which were

the remaining \$30 million by reducing refuse rates as previously requested.

As noted on page 4 of the Abandoned Materials Collection Report of October 30, 2015

“Nevertheless, in the last 18 months, Public Works has seen a significant increase in the number of service calls handled by litter patrol vehicles (i.e., items for which Recology is not responsible, as noted above). In December, 2014, Public Works placed several packer trucks back into service to support its Litter Patrol Services.”
October 30, 2015 Report, p. 4

In connection with that hearing, the published reports, and the proposed rates and use of funds included in the AMC and SRF reports, please note the following objections and requests for information.

Objection 1. In the 2013 hearings there were objections raised because having Recology take over picking up dumped refuse violated Proposition 218, as raising a tax on property owners without a vote. See attachments, Tr. pages 16-21, July 8, 2013; Tr pages 5-9, July 14, 2013. While no legal action has been commenced on this Abandoned Materials Collection program because it was a pilot program, not a permanent program, there will be challenges based on Proposition 218 if the pilot, despite evidence about its general public nature, is continued. For example, the published calendar of PIO inspections shows that their “night walks” are basically for the benefit of the Union Square Merchants Association. See Attachment from DPW website: Calendar of Inspections.

It was asserted that property owners are responsible for Abandoned Materials Collection because of the San Francisco Police Code. However, there are at least three sources of Abandoned Materials which do not relate to San Francisco property owners.

Other sources of Abandoned Materials

- Homeless persons, encampments, and trash
- Business dumping for whatever reasons
- Materials abandoned at public facilities: Golden Gate Park, Southwestern Sewage Plant, City Parks and buildings.

Questions which need to be asked before continuing AMC program.

- 1A. Are calls for Abandoned Materials Collection made to a city telephone number 311? How many 311 calls for Abandoned Materials have been made to San Francisco’s 311 numbers?
- 1B. Do San Francisco City employees transfer requests for Abandoned Materials Collection to Recology employees? How many such transfer requests have been made

- from San Francisco employees to Recology employees?
- 1C. Do City of San Francisco employees make their own (not referred from public) requests to Recology for Abandoned Materials Collection? If so, how many such requests from San Francisco employees to Recology have been made. What were the reasons for such AMC requests from San Francisco to Recology?
 - 1D. What are the amounts and requests for AMC by zone? Recology was assigning trucks by zone, and City previously provided DPW requests by zone.

Recology or the City should be able to answer these questions.

Objection 2. In the April 12, 2013 on refuse rates, the DPW analyst, Mr. Legg, explained that there was \$3.88 million in Recology rates for refuse related funding provided to DPW in the Impound Account. (Hearing Transcript, afterwards, H.T. 79, 4/12/2014; Exhibit 13) Mr. Legg explained that this included funding for 2 analysts and 6 Public Information Officers (PIO) for education, outreach, and issuance of citations. However, the Reports filed do not indicate whether the funding has been received by DPW, been utilized as described,

- 2A. Has the DPW been receiving \$3.88 million for refuse related funding?
What was the prior cost of DPW Abandoned Materials collection (ie before 2013 yearly change)
What is the current cost of DPW Abandoned Materials collection (ie Recology funding plus DPW costs for 2015)
- 2B. Has any funding of \$3-4 million been used for analysts and PIOs
- 2C. Have any reports of the activities and usefulness of the new DPW employees been prepared. If so, they should be submitted to the hearing. How many cases investigated, how many sources of illegal dumping identified, names and places.
- 2D. Have any of the PIOs issued citations for illegal dumping. If so, how many citations have been issued, in what locations and what revenue has been received for such citations.

Items 2A through 2D should be readily available from Department of Public Works and should be introduced and made a part of the record for any hearing on the AMC program continuation.

3. Special Reserve Fund

1. What agreement covers the use and funding of the Special Reserve Fund for the Vacaville Landfill. It should be part of the record.
2. Do other users – Solano County, Vacaville, have any comparable special reserve in their agreements

with Recology? If other users of the Vacaville landfill do not have comparable reserve funds, why should San Francisco?

3. What are the applicable or limited uses of funds for the \$3-15 million proposed for the New Special Reserve Fund? Truck accidents; Superfund costs? Liability of Recology Vacaville?

4. What is the term of the commitment for the proposed transfer of \$3-15 million to the New Reserve Fund? Is it recoverable by San Francisco if the Vacaville landfill agreement expires in less than 10 years?

5. Are there any expected uses for the current Special Reserve Fund amounts above those proposed for the New Reserve Fund? If not, should those excess funds be used to reduce refuse rates over the next 3-5 years?

I request that the information above be provided and made a part of the record either by testimony or materials submitted under sworn testimony.

Respectfully submitted

Kermit R. Kubitz

