

1 [City and County of San Francisco Refuse Collection and Disposal Rate Board 2017  
Resolution and Order]

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3 **Refuse Collection and Disposal Rate Board Resolution adopting the Department of**  
4 **Public Works (Public Works) Director's Recommended Orders dated May 12, 2017,**  
5 **regarding the 2017 Rate Application from Recology Sunset Scavenger, Recology**  
6 **Golden Gate, and Recology San Francisco, dated February 10, 2017; and making**  
7 **environmental findings.**

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9 WHEREAS, The 1932 Refuse Collection and Disposal Ordinance, as amended,  
10 establishes and governs the process for approving residential refuse collection and  
11 disposal rates for the City and County of San Francisco ("City"); and,

12 WHEREAS, On February 10, 2017, Recology Sunset Scavenger, Recology Golden  
13 Gate, and Recology San Francisco ("the Companies") filed an Application with the City  
14 Administrator requesting an increase in the Companies' residential refuse collection and  
15 disposal rates ("the 2017 Rate Application"); and,

16 WHEREAS, Beginning on March 8, 2017, in response to the Companies' 2017 Rate  
17 Application, the Director of the Department of Public Works ("Public Works") conducted a  
18 series of hearings and on May 12, 2017 issued a Report and Recommended Orders  
19 regarding the 2017 Rate Application; and,

20 WHEREAS, Thirteen Objectors filed Objections to the Public Works Director's  
21 Recommended Orders with the City Administrator by May 30, 2017; and,

22 WHEREAS, The Refuse Collection and Disposal Rate Board ("Rate Board"),  
23 consisting of Chair/Deputy City Administrator Jennifer Johnston, Member/Controller's Chief  
24 Economist Ted Egan, and Member/San Francisco Public Utilities Commission Deputy  
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1 General Manager Michael P. Carlin, convened a public hearing on the Objections on June  
2 16 and 19, 2017; and,

3 WHEREAS, The members of the Rate Board unanimously denied the Objections;  
4 and,

5 WHEREAS, The Rate Board unanimously concurred with and adopted the Public  
6 Works Director's Recommended Orders; and,

7 WHEREAS, The City Planning Department has reviewed the 2017 Rate Application  
8 and determined on March 22, 2017, in Case No. 2017-003133ENV, that the actions  
9 proposed in the Application are statutorily exempt from environmental review under the  
10 California Environmental Quality Act and CEQA Guidelines (California Public Resources  
11 Code §§21000 *et seq.*, §21080(b)(8); 14 California Code of Regulations §§15000 *et seq.*,  
12 §15273) [Exhibit No. 56 before the Public Works Director.]; now, therefore, be it

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14 RESOLVED, That the Rate Board takes the following actions and adopts the  
15 following findings:

- 16 1. The Rate Board denies the Objections; and
- 17 2. The Rate Board adopts the Public Works Director's Recommended Orders; and,
- 18 3. The Rate Board agrees with the proposed distributions from the Special Reserve  
19 Fund ("the Fund") under the 1987 Agreement in Facilitation of Waste Disposal between the  
20 City and Sanitary Fill Company (now Recology San Francisco) contained in the  
21 Recommended Orders, and finds that such distributions benefit the current and future rate  
22 payers. The Rate Board further finds that once the final distribution is made from the Fund  
23 pursuant to the Recommended Orders, there will no longer be a continuing need for the  
24 Fund; and

1           4. The Rate Board finds that its decision is statutorily exempt from the California  
2 Environmental Quality Act (CEQA) under California Public Resources Code §21080(b)(8)  
3 and State CEQA Guidelines §15273. The Rate Board adopts the following findings  
4 pursuant to Public Resources Code Section 21080(b)(8) and State CEQA Guidelines  
5 §15273 setting forth the specific basis for the exemption determination:

6           A. City Planning has determined that the application is statutorily exempt  
7 from environmental review under California Public Resources Code §21080(b)(8), which  
8 provides that CEQA does not apply to the establishment, modification, structuring,  
9 restructuring, or approval of certain rates, tolls, fares, and charges by public agencies.

10           B. The purpose of the Application is to (a) meet operating expenses,  
11 including employee wage rates and fringe benefits, (b) purchase or lease supplies,  
12 equipment, or materials, (c) meet financial reserve needs and requirements, and, (d) obtain  
13 funds for capital projects necessary to maintain service within existing service areas.

14           C. The Companies have proposed, and the City has approved, rates needed  
15 for the Companies to "[meet] operating expenses, including employee wage rates and  
16 fringe benefits," as provided in the Application and the supporting schedules.


17           D. The Companies have proposed, and the City has approved, rates needed  
18 for the Companies to "[purchase] or [lease] supplies, equipment, or materials," to support  
19 their refuse collection and disposal activities in the City, as provided in the Application and  
20 the supporting schedules.

21           E. The Companies have proposed, and the City has approved, rates needed  
22 for the Companies to "meet financial reserve needs and requirements," as provided in the  
23 Application and the supporting schedules.

24           F. The Companies have proposed, and the City has approved, rates needed  
25 for the Companies to "obtain funds for capital projects necessary to maintain service within

1 existing service areas," as provided in the Application and the supporting schedules.

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3 Approved by unanimous vote of the Refuse Collection and Disposal Rate Board  
4 (Ayes: Carlin, Egan, Johnston) on June 19, 2017.

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6 JENNIFER JOHNSTON, Chair  
7 City and County of San Francisco Refuse Collection and Disposal Rate Board

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