

Proposition 218 - Proposed Adjustments to Solid Waste & Recycling Service Rates

All California cities, including Brea, face the most stringent solid waste legislation in history under Senate Bill 1383 (2016) ("SB 1383"). SB 1383 mandates the State of California to reduce organic waste disposal (including green waste and food waste) 50% by January 1, 2020, and 75% by January 1, 2025. SB 1383 also requires the State to recover 20% of edible food by January 1, 2025. As a result, green waste and food waste can no longer be disposed of in a landfill and must be recycled. The SB 1383 organic recycling mandates, along with current economic conditions, including equipment supply chain interruptions and labor shortages, are significantly impacting the solid waste industry. For the City of Brea to remain in compliance with State law and avoid being fined by the State, expanded solid waste and recycling service are necessary, none of which are funded by the State. Therefore, these expanded services and other cost increases must be funded by adjusting the solid waste and recycling service rates.

Proposition 218 requires the City of Brea to hold a public hearing and mail a notice of the public hearing to the owner of record and any tenant who is directly liable for the payment of the proposed rates. The City must mail the notice at least forty-five (45) days prior to the date of the public hearing regarding the proposed rates. Property owners and affected tenants may protest the proposed rates by submitting their comments in writing to the City. If the City receives protests from more than half the affected parcels, the City may not approve the proposed rates.

PROPOSITION 218 RESOURCES:

- Proposition 218 Notice: Letter - [English](#), [Spanish](#), [Korean](#)
- Proposition 218: Full Rates - [English](#), [Spanish](#), [Korean](#)
- Proposition 218: Rate Adjustment Formula - [English](#), [Spanish](#), [Korean](#)

PROPOSITION 218 NOTICE - FREQUENTLY ASKED QUESTIONS

WHAT IS PROPOSITION 218?

Proposition 218 is an article of the California Constitution that was passed by California voters in November 1996. It establishes the process by which public agencies can raise fees for public services. It was designed to provide greater ratepayer involvement in the entire rate setting process.

WHAT DOES PROPOSITION 218 REQUIRE OF GOVERNMENTAL ENTITIES?

Proposition 218 requires cities to mail a public hearing notice to every property owner regarding proposed rate changes 45 days prior to holding a public hearing during which the City Council considers whether or not to adopt the changes. It also establishes a protest process for account holders to follow if they wish to oppose the proposed rates. The City has chosen to send this notice to rate paying tenants as well.

WHO RECEIVES A PUBLIC HEARING NOTICE?

Every property owner and rate paying tenant receives a public hearing notice.

WHAT SERVICES ARE COVERED BY THE RATES?

The rates are for the operation and administration of the solid waste disposal and recycling services and programs implemented by the franchisee as required by State law, the Brea Municipal Code, and the franchise agreement. Such services include solid waste containers, solid waste pick-up, a set number of bulky item pickups per year, e-waste disposal, compost giveaways, and other community clean up events. A portion of the proposed adjusted residential rate also includes city staff costs for utility billing and administration of the solid waste program.

Additional information on services provided by Republic Services can be found [here](#).

WHAT IS SENATE BILL 1383?

In September 2016, Governor Brown signed Senate Bill 1383 (SB 1383) - Short- lived Climate Pollutants (SLCP): Organic Waste Reductions Act into law. The law established statewide targets to achieve a 50% reduction in the level of organic waste disposed in landfills by 2020 and a 75% reduction by 2025. Additionally, the law sets a statewide target of a 20% reduction in the disposal of edible food, and for this food to be recovered for human consumption.

For more information on SB 1383, please visit the CalRecycle [website](#).

ARE WE THE ONLY CITY EXPERIENCING A RATE ADJUSTMENT IN SOLID WASTE SERVICES?

No. The costs associated with the proposed rate increase will affect most, if not all, jurisdictions in Orange County and the State. Costs associated with inflation, SB 1383, and recycling markets will impact solid waste rates all across California.

WHAT ARE THE REQUIREMENTS FOR SUBMITTING A PROTEST OF THE RATES?

At the public hearing, the City Council will hear and consider all protests to the proposed adjustments to the solid waste and recycling service rates. Any Brea resident, business owner, property owner or property tenant that is directly responsible for payment of solid waste and recycling service rates (each, a "rate payer") may appear in person or submit a written protest against the proposed adjustment to the solid waste and recycling service rates. Written protests may be mailed to The City of Brea, Attention: City Clerk, 1 Civic Center Circle, Brea, CA 92821 or delivered in-person to City Hall, 1 Civic Center Circle, Brea, CA 92821. Protests that are mailed or delivered to City Hall must be received by the City Clerk before 7:00 PM on February 4, 2025.

To be counted, a written protest must: (1) identify the parcel of property subject to the proposed increase to solid waste and recycling service rates, (2) identify the solid waste rate payer, and (3) include the signature of the solid waste rate payer. A majority protest exists if, at the end of the public hearing, there are written protests submitted by a majority of the solid waste rate payers subject to the proposed increase to solid waste and recycling service rates. No more than one written protest per parcel of property will be counted in calculating a majority protest.

CAN I OPT OUT OF PARTICIPATING OR CANCEL MY TRASH SERVICE?

No, per SB 1383 all residential, multi-family, and commercial properties are required to recycle organic waste that is generated on-site. Furthermore, trash and recycling service is mandatory for all residential and commercial properties within the City, per Brea Municipal Code Section 8.28.140.

WHAT IS THE DIFFERENCE BETWEEN THIS NOTICE AND THE LETTER THAT WAS JUST RECENTLY SENT FROM THE CITY REGARDING CHANGES TO RECYCLING AND TRASH CARTS?

The Proposition 218 notice is to address specific changes to the proposed solid waste rates with Republic Services. The letter regarding changes to residential recycling and trash carts was sent as an advanced notice that current curbside carts are transitioning to have a new appearance in color and that the current yard waste cart will eventually be used to dispose of all organic materials, and not just green waste.

Additional information on the City's curbside waste and recycling collection program can be found on the Recycle Brea residential [webpage](#).