



AGENDA NO: A-7

MEETING DATE: June 28, 2022

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Monday, June 27, 2022 11:57 PM
To: John Headding; Jeffrey Heller; Dawn Addis; Laurel Barton; Jennifer Ford
Cc: Dana Swanson
Subject: agenda item a-7

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear City Council:

This is a puzzlement. You are meeting tonight. You take the month of July off. You don't meet for another 6 weeks until August 9.

Not all advisory bodies will meet in July. It was announced that the Planning Commission will not meet the first week. The Finance Committee does not normally meet in July. I have not heard that the other committees aren't willing to meet in-person. July is a good month for a soft re-opening of public meetings.

In addition, it is time to re-open all City offices 8-5, so we can be a full-service city, serving residents and visitors.

Are not other cities and county agencies open and meeting in-person?

Sincerely,
Betty Winholtz



AGENDA NO: A-9

MEETING DATE: June 28, 2022

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Tuesday, June 28, 2022 12:19 AM
To: John Heading; Jeffrey Heller; Dawn Addis; Laurel Barton; Jennifer Ford
Cc: Scott Collins; Dana Swanson
Subject: agenda item a-9

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Dear City Council:

How does this new rent affect, if at all, the other offices in the same building?

Sincerely,
Betty Winholtz



AGENDA NO: A-10

MEETING DATE: June 28, 2022

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Tuesday, June 28, 2022 12:54 AM
To: John Headding; Jeffrey Heller; Dawn Addis; Laurel Barton; Jennifer Ford
Cc: Scott Collins; Dana Swanson
Subject: agenda item a-10

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear City Council:

I do not want \$60,000 plus expenses paid from my tax dollars or my water/sewer fees for a professional lobbying group for the following reasons:

1. Keeping the City apprised of *state legislation* has been the responsibility of the city attorney; is this no longer true? It is also the responsibility of the League of CA Cities, which is way less expensive. This is a redundant task.
2. *Grant writing assistance*. It has been said for many years by many people, it would pay to hire an in-house grant writer; such a position pays for itself. It would be less expensive than hiring a lobbyist who only assists with the writing.
3. *Provide support for potential funding*. This should be the job of our elected assembly member's staff as well as our state senator's staff.

The federal lobbyist is a bit more plausible, except CMANC does the heavy lifting for our long term needs, the harbor.

Sincerely,
Betty Winholtz



AGENDA NO: A-11

MEETING DATE: June 28, 2022

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Tuesday, June 28, 2022 1:24 AM
To: John Headding; Jeffrey Heller; Dawn Addis; Laurel Barton; Jennifer Ford
Cc: Greg Kwolek; Dana Swanson
Subject: agenda item a-11

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear City Council:

The following quote is a new and worrisome piece of information. Why has this not been on the OneWater to-do list?

"However, the City's Morro Basin groundwater wells are approaching the end of their useful life and are in need of rehabilitation or replacement. The deteriorated condition of the wells and associated infrastructure means the Morro Wellfield may not always be able to reliably provide sufficient water supply during extended droughts or SWP shutdowns."

The following quote presents confusing information because it seems to duplicate what ratepayers were told about the IPR (indirect potable reuse) component of the sewer plant project:

"These upgrades will provide the City with a resilient water supply that it can rely upon during periods of extended drought or SWP shutdowns/unavailability."

When and why did was the name of the new sewer plant (WRF) changed from the Water Reclamation Facility to the Water Recovery Facility?

Sincerely,
Betty Winholtz



AGENDA NO: A-13

MEETING DATE: June 28, 2022

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: Judith Cohen [REDACTED]
Sent: Friday, June 24, 2022 11:19 AM
To: Council
Subject: Letter of Support of LBGTQ+ -- VOTE YES to Proclamation item A13

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear Morro Bay Council,

This email serves as letter of support of LBGTQ+ diversity and inclusion in Morro Bay by adopting Proclamation item A13 to officially recognize June as LBGTQ+ Pride Month in the city of Morro Bay, CA.

I am also REQUESTING for the City to vote YES on raising the Pride flag in recognition of Pride month by June 2023 and years to follow.

Equality and Visibility is essential.

Thank you,

Judith L. Cohen
Morro Bay Citizen
M: [REDACTED]

From: [Sandra Pendell](#)
To: [Council](#)
Subject: June 2022 Pride Month - YES!
Date: Saturday, June 25, 2022 6:22:40 PM

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear Mayor Headding and Council Members:

I am not sure if I will be able to attend the Council meeting on Tuesday June 28 so I am sending this email to let you know you have my full support in declaring June 2022 to be PRIDE MONTH in the City of Morro Bay.

In these turbulent times I believe it is essential that the City proclaims that LGBTQIA+ residents and tourists not only have safe harbor here in our community, but are also celebrated and treasured.

In addition to making the Proclamation, I ask that the City ensure that all first responders and administrative workers employed by the City are clear that diversity is a shared community value and that LGBTQIA+ individuals are to be treated with dignity and respect.

Thank you for the good work you are doing. It is appreciated.

Sandra Pendell
Morro Bay, CA

From: [mike toppe](#)
To: [Council](#)
Cc: [Dan Nichols ICE](#)
Subject: Proclamation item A13
Date: Sunday, June 26, 2022 9:55:16 AM

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear Council Members,

Please support the LBGTQ+ diversity and inclusion from Morro Bay Councilwoman Dawn Addis by supporting Proclamation item A13: the City of Morro Bay declaring June Pride month.

Also - Please consider raising the Pride flag in recognition of Pride month June 2023.

Thank you,

Mike Toppe and Dan Nichols


Morro Bay, CA
93442



AGENDA NO: B-1

MEETING DATE: June 28, 2022

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Date: 06/16/2022

To: Mayor Headding and City Council Members
City of Morro Bay

From: Donald and Kristen Headland
City of Morro Bay, Resident

Subject: Formal Complaint, Proposition 218 Protest Vote, Security and Process, City of Morro Bay and Morro Bay Garbage, Hearing Date 06/28/2022.

Dear Mayor Headding and City Council Members,

We wish to provide a written correspondence for the City Council Hearing on 06/28/2022 for Proposition 218 Protest Vote, to raise our Solid Waste Rates.

The City of Morro Bay is in the process of a Proposition 218 Protest Vote to raise our Solid Waste Rates.

My husband and I received a *“Notice of Public Hearing Regarding Proposed Solid Waste Rate Increase”* from the Morro Bay Garbage in our mailbox via the United States Postal Service. We reviewed the document and on a blank piece of paper created our 218 Protest Vote.

On 05/31/2022, I Kristen Headland, went to City Hall to place my 218 Protest Vote into the City Clerk’s designated ballot box. I spoke to an office staff member with a request to “place my 218 Protest Vote into the ballot box”. The office staff member stepped away twice to get guidance during our conversation only to return stating “give it to me”, “I’ll give it to the City Clerk”. I asked to speak with the City Clerk but was told that “she is not available”. On this day, I did not give my 218 Protest Vote to the office staff member. I was not able to place my 218 Protest Vote into the designated ballot box.

In the *“Notice of Public Hearing Regarding Proposed Solid Waste Rate Increase”* from the Morro Bay Garbage, on page 2, it states *“Written protest may also be personally delivered to the City Clerk’s Office located at 595 Harbor Street, Morro Bay, CA 93442”* and in the City of Morro Bay, Resolution No 44-18, page 2, Section 3, (A) (1), it states *“Delivery, to the City Clerk’s Office at 595 harbor Street, Morro Bay, CA 93442”*.

The public is not allowed to access the City Clerk’s office, located in City Hall, because there is a locked door in the lobby of City Hall, that prevents people from entering the building where the City Clerk’s office is located.

By law, parcel owners and rate payers have a right to place their Proposition 218 Protest Vote into the designated ballot box with privacy, no interference or no barriers.

On 06/01/2022, I emailed the City Manager and City Clerk for the City of Morro Bay, to express my concerns about not being allowed access to the 218 Protest Vote, ballot box. I received an invitation from the City Manager to meet on 06/08/2022. The City Manager stated that the City Clerk would also be present. I accepted and attended the meeting with my husband.

At this meeting, I explained to the City Clerk and City Manager the events that took place when I attempted to place our 218 Protest Vote into the ballot box. I suggested the 218 Protest Vote, ballot box be placed in the lobby of City Hall, during business hours, secured in place, with a lock, under the surveillance camera in the lobby, and with observation from city office staff. This would allow parcel owners or rate payers the ability to deposit their 218 Protest Vote in to ballot box during the 45-day voting period. The City Clerk stated the lobby of City Hall was not a secure location to place the 218 Protest Vote, ballot box. I requested the 218 Protest Vote, ballot box be placed in the office area at City Hall, near the customer window so voters could witness the office staff placing their 218 Protest Vote into the ballot box.

During this meeting, it was disclosed that office staff members are instructed to place submitted 218 Protest Votes into the City Clerk's mailbox. The City Clerk's mailbox is in a room with many other (open-faced) mail slots, a copy machine and office supplies for staff to use as needed. The City Clerk's mailbox has no form of security like a locking door on the front. **The City Clerk's unsecured, open-faced mail slot is not the location to place 218 Protest Votes during the 45-day voting period.** This is a faulty chain of custody and not in any way secure.

We carried on with a friendly conversation for about thirty plus minutes. I stated that I have a right to place my 218 Protest Vote personally into the 218 Protest Vote, ballot box and not have it placed into the City Clerk's unsecured mailbox. The City Manager and City Clerk repeatedly expressed confidence with the current process for securing Proposition 218 Protest Votes.

Our meeting ended with the City Manager stating he would think about my suggestion to move the 218 Protest Vote, ballot box into the office area at City Hall (not the lobby area), by the customer window and get back to me by the end of June.

The current undocumented directions for city staff to route 218 Protest Votes into the City Clerk's mailbox, opens the opportunity of voter tampering and puts in question the integrity of the City of Morro Bay Proposition 218 Protest Vote process.

Also, the Morro Bay Garbage, required "*Notice of Public Hearing Regarding Proposed Solid Waste Rate Increase*" procedure was not followed as required by law. See attachment, Article 4.6. Proposition 218 Omnibus Implementation Act [53750 - 53758] (Article 4.6 added by Stats. 1997, Ch. 38, Sec. 5.)

Section 53753 (b) last sentence notes *“On the face of the envelope mailed to the record owner, in which the notice and ballot are enclosed, there shall appear in substantially the following form in no smaller than 16-point bold type: “OFFICIAL BALLOT ENCLOSED.”*”

Section 53753 (c) first sentence notes *“Each notice given pursuant to subdivision (b) shall contain an assessment ballot that includes the agency’s address for receipt of the ballot and a place where the person returning the assessment ballot may indicate his or her name, a reasonable identification of the parcel, and his or her support or opposition to the proposed assessment.”*

1. **There was NO envelope as required by law.** The Morro Bay Garbage used the last page of the notice to place the postage stamp, return address, bar code and name and mailing address of the recipient. See attachment, “Notice of Public Hearing Regarding Proposed Solid Waste Rate Increase”, page 13.
2. **There was NO “16-point bold type: OFFICIAL BALLOT ENCLOSED” noted on the envelope as required by law.**
3. **There was NO ballot enclosed per Section 53753 (c) as required by law.**

The City of Morro Bay has a history of taking actions to withhold required information, provide misleading information, and confuse the Proposition 218 Protest process that have the effect of reducing the number of protests against proposed rate increases.

We request:

1. **A City Council review of the Morro Bay Garbage “Notice of Public Hearing Regarding Proposed Solid Waste Rate Increase” per Article 4.6 Proposition 218 Omnibus Implementation Act [53750 – 53758] (Article 4.6 added by Stats. 1997, Ch. 38, Sec. 5) required by law.**
2. **Requesting a Resolution by the City of Morro Bay, with the step-by-step guidelines for parcel owners and rate payers to personally deposit their ballot in the designate ballot box for submission and tabulation of Proposition 218 Protest Votes in the connection with rate hearings conducted pursuant to Article XIID, Section 6 of the California Constitution.**
3. **Recommend the designated 218 Protest Vote ballot box be placed in the City of Morro Bay, lobby of City Hall, during business hours, secured in place, with a lock, under the surveillance camera in the lobby, with observation from city office staff, for the 45-day Protest Voting period.**

Thank you for your time in this important matter.

We look forward to your response.

Respectfully submitted,

Donald and Kristen Headland

Website links:

<https://www.morro-bay.ca.us/DocumentCenter/View/16637/Morro-Bay-Prop-218-Notice--Final-002>

<http://www.morrobayca.gov/DocumentCenter/View/12100/Reso-44-18-Prop-218--Guidelines>

Attachments:

State of California Government Code Section 53753

Notice of Public Hearing Regarding Proposed Solid Waste Rate Increase

Cc: City Clerk, City of Morro Bay
City Manager, City of Morro Bay
Morro Bay Garbage

ARTICLE 4.6. Proposition 218 Omnibus Implementation Act [53750 - 53758]

(Article 4.6 added by Stats. 1997, Ch. 38, Sec. 5.)

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=53753.&nodeTreePath=6.2.1.11.13&lawCode=GOV

State of California GOVERNMENT CODE Section 53753

53753. (a) The notice, protest, and hearing requirements imposed by this section supersede any statutory provisions applicable to the levy of a new or increased assessment that is in existence on the effective date of this section, whether or not that provision is in conflict with this article. Any agency that complies with the notice, protest, and hearing requirements of this section shall not be required to comply with any other statutory notice, protest, and hearing requirements that would otherwise be applicable to the levy of a new or increased assessment, with the exception of Division 4.5 (commencing with Section 3100) of the Streets and Highways Code. If the requirements of that division apply to the levy of a new or increased assessment, the levying agency shall comply with the notice, protest, and hearing requirements imposed by this section as well as with the requirements of that division.

(b) Prior to levying a new or increased assessment, or an existing assessment that is subject to the procedures and approval process set forth in Section 4 of Article XIII D of the California Constitution, an agency shall give notice by mail to the record owner of each identified parcel. Each notice shall include the total amount of the proposed assessment chargeable to the entire district, the amount chargeable to the record owner's parcel, the duration of the payments, the reason for the assessment and the basis upon which the amount of the proposed assessment was calculated, and the date, time, and location of a public hearing on the proposed assessment. Each notice shall also include, in a conspicuous place thereon, a summary of the procedures for the completion, return, and tabulation of the assessment ballots required pursuant to subdivision (c), including a statement that the assessment shall not be imposed if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property. An agency shall give notice by mail at least 45 days prior to the date of the public hearing upon the proposed assessment. On the face of the envelope mailed to the record owner, in which the notice and ballot are enclosed, there shall appear in substantially the following form in no smaller than 16-point bold type: "OFFICIAL BALLOT ENCLOSED." An agency may additionally place the phrase "OFFICIAL BALLOT ENCLOSED" on the face of the envelope mailed to the recorded owner, in which the notice and ballot are enclosed, in a language or languages other than English.

(c) Each notice given pursuant to subdivision (b) shall contain an assessment ballot that includes the agency's address for receipt of the ballot and a place where the person returning the

assessment ballot may indicate his or her name, a reasonable identification of the parcel, and his or her support or opposition to the proposed assessment. Each

assessment ballot shall be in a form that conceals its contents once it is sealed by the person submitting the assessment ballot. Each assessment ballot shall be signed and either mailed or otherwise delivered to the address indicated on the assessment ballot. Regardless of the method of delivery, all assessment ballots shall be received at the address indicated, or the site of the public testimony, in order to be included in the tabulation of a majority protest pursuant to subdivision (e). Assessment ballots shall remain sealed until the tabulation of ballots pursuant to subdivision (e) commences, provided that an assessment ballot may be submitted, or changed, or withdrawn by the person who submitted the ballot prior to the conclusion of the public testimony on the proposed assessment at the hearing required pursuant to subdivision (d). An agency may provide an envelope for the return of the assessment ballot, provided that if the return envelope is opened by the agency prior to the tabulation of ballots pursuant to subdivision (e), the enclosed assessment ballot shall remain sealed as provided in this section.

(d) At the time, date, and place stated in the notice mailed pursuant to subdivision (b), the agency shall conduct a public hearing upon the proposed assessment. At the public hearing, the agency shall consider all objections or protests, if any, to the proposed assessment. At the public hearing, any person shall be permitted to present written or oral testimony. The public hearing may be continued from time to time.

(e) (1) At the conclusion of the public hearing conducted pursuant to subdivision (d), an impartial person designated by the agency who does not have a vested interest in the outcome of the proposed assessment shall tabulate the assessment ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment. For the purposes of this section, an impartial person includes, but is not limited to, the clerk of the agency. If the agency uses agency personnel for the ballot tabulation, or if the agency contracts with a vendor for the ballot tabulation and the vendor or its affiliates participated in the research, design, engineering, public education, or promotion of the assessment, the ballots shall be unsealed and tabulated in public view at the conclusion of the hearing so as to permit all interested persons to meaningfully monitor the accuracy of the tabulation process.

(2) The governing body of the agency may, if necessary, continue the tabulation at a different time or location accessible to the public, provided the governing body announces the time and location at the hearing. The impartial person may use technological methods of tabulating the assessment ballots, including, but not limited to, punchcard or optically readable (bar-coded) assessment ballots. During and after the tabulation, the assessment ballots and the information used to determine the weight of each ballot shall be treated as disclosable public records, as defined in Section 6252, and equally available for inspection by the proponents and the opponents of the proposed assessment. The ballots shall be preserved for a minimum of two years, after which they may be destroyed as provided in Sections 26202, 34090, and 60201.

(3) In the event that more than one of the record owners of an identified parcel submits an assessment ballot, the amount of the proposed assessment to be imposed upon the identified parcel shall be allocated to each ballot submitted in proportion to the respective record ownership interests or, if the ownership interests are not shown

on the record, as established to the satisfaction of the agency by documentation provided by those record owners.

(4) A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted.

(5) If there is a majority protest against the imposition of a new assessment, or the extension of an existing assessment, or an increase in an existing assessment, the agency shall not impose, extend, or increase the assessment.

(6) The majority protest proceedings described in this subdivision shall not constitute an election or voting for purposes of Article II of the California Constitution or of the Elections Code.

(Amended by Stats. 2009, Ch. 580, Sec. 1. (SB 321) Effective January 1, 2010. Superseded on January 1, 2023; see amendment by Stats. 2021, Ch. 615.)

Notice of Public Hearing Regarding Proposed Solid Waste Rate Increase

Property Owners and Tenants - Customers:

This notice is to inform you the City of Morro Bay ("the City") will hold a public hearing regarding solid waste disposal rate increases (the "Proposed Rate Increase") proposed by Morro Bay Garbage Service, Inc. ("Morro Bay Garbage") for properties and customers receiving solid waste services within the City. The Proposed Rate Increase will be considered by the Morro Bay City Council at the date, time and location specified below. Consistent with the requirements of Proposition 218, this notice also provides you with the following information:

- The Date, Time, and Place of the Public Hearing;
- The Reason for the Proposed Rate Increase; and
- The Basis for the Proposed Rate Increase; and
- The Majority Protest Procedures; and
- Proposed Rate Increase Amounts.

NOTICE OF PUBLIC HEARING

The Public Hearing for the Proposed Rate Increase within the City limits will be held on:

Date: June 28, 2022

Time: 5:30 PM

Place: Morro Bay City Council Chambers, Veterans Memorial Building, 209 Surf Street, Morro Bay, CA

At the Public Hearing, the Council will consider all public comment in support of and in opposition to the Proposed Rate Increase and whether or not a Majority Protest exists pursuant to the California Constitution (as described below). If approved, the Proposed Rate Increase would become effective on July 1, 2022.

Reason for the Proposed Rate Increase

The Proposed Rate Increase equates to (i) a 9.07 percent increase for solid waste, recycling, and green waste/organics collection services as needed to implement new State of California legal mandates, and (ii) a 5.4 percent fee charged upon Morro Bay Garbage's gross receipts by the San Luis Obispo County Integrated Waste Management Authority (IWMA), all as further described below.

The 9.07 percent increase is necessary for Morro Bay Garbage to continue to provide safe, environmentally sound, and reliable solid waste, recycling, green waste/organics collection, transportation and disposal/processing services to the citizens of the City. Several factors contributed to this rate increase including, increased costs associated with the purchase and operation of collection vehicles and increased costs associated with the organics digester facility.

The organics digester facility is required by California Senate Bill 1383 (SB 1383), and previously approved State mandates in California Assembly Bill 1826 (AB 1826). SB 1383 is a recent State law passed with the goal of reducing methane. Methane is a potent greenhouse gas, with more than 80 times the warming power of carbon dioxide, and is a major component of decomposing organic waste. In response to the harmful effects of methane gas, CalRecycle (a branch of the California Environmental Protection Agency) adopted regulations implementing SB 1383 in the fall of 2020. Key components of SB 1383 include implementing organic waste collection programs (including food waste), monitoring organics carts for contamination, and reporting data. AB 1826 requires local jurisdictions to develop a program to divert organic waste from landfills to an authorized composting facility like an anaerobic digester.

Basis of the Proposed Rate Increase

The total Proposed Rate Increase of 9.07% percent is based on the following cost increases incurred by Morro Bay Garbage:

1. 2.62 percent of the Proposed Rate Increase is for capital investment costs of new collection vehicles, replacement containers and additional containers to meet the demands of SB 1383 compliance.
2. 5.23 percent of the Proposed Rate Increase is for increased capital equipment investments and escalating operating expenses related to the Anaerobic Digester.
3. 1.22 percent of the Proposed Rate Increase is for increases in AB939 and franchise fees.

In addition to these amounts, the San Luis Obispo County IWMA has mandated a 5.4 percent increase to solid waste services in the City. The IWMA is a Joint Powers Authority formed to plan and implement regional solid waste and hazardous waste programs mandated by State law. The Joint Powers Agreement between the City of Morro Bay and the IWMA can be made available by the City upon request or on the IWMA website at www.iwma.com.

More specifically, at the IWMA Board Meeting of March 9, 2022, the IWMA adopted a 5.4 percent solid waste management fee upon Morro Bay Garbage's gross receipts to account for IWMA's operational and capital cost increases due largely to tasks associated with the implementation of SB 1383. These include the following tasks that will be delegated by the City to the IWMA: education and outreach monitoring, inspection, and record keeping programs; establishing, administering, and implementing the edible food recovery requirements; monitoring and education, including, but not limited to, monitoring compliance through route reviews and evaluations, determining the applicability of waivers, and issuing educational notices where necessary and/or appropriate; and required reporting to CalRecycle. The adopted fee will be effective on July 1, 2022. The City has authorized Morro Bay Garbage to bill this additional fee on behalf of the IWMA.

A copy of the 2022 Interim Year Rate Adjustment Application, which provides additional information on the proposed rate increases, is available at the City Clerk's Office located at 595 Harbor Street, Morro Bay, CA 93442.

How Do I Protest the Proposed Rate Increase?

Pursuant to Section 6 of Article XIII D of the California Constitution, the following persons may submit a written protest against the Proposed Rate Increase to the City Clerk before the close of the Public Hearing referenced above.

- An owner(s) of property (parcel(s)) receiving solid waste, recycling, and green waste services within the City limits. If the person(s) signing the protest, as an owner, is not shown on the last equalized assessment roll as the owner of the parcel(s) then the protest must contain or be accompanied by written evidence that such person signing the protest is the owner of the parcel(s) receiving services;
- or
- A tenant(s) whose name appears on Morro Bay Garbage's records as the customer of record for the corresponding parcel receiving solid waste, recycling, and green waste services within the City limits (tenant-customer).

A valid written protest must contain: 1) a statement that you protest the Proposed Rate Increase; 2) the address or Assessor's Parcel Number (APN) of the parcel or parcels which receive solid waste, recycling, and green waste services; and, 3) a signature by either the owner or the tenant-customer of the parcel or parcels. One written protest per parcel shall be counted in calculating a majority protest to the Proposed Rate Increase subject to the requirements of Section 6 of Article XIII D of the California Constitution. Written protests will not be accepted by e-mail or by facsimile. Verbal protests will not be counted in determining the existence of a majority protest. To be counted, a protest must be received in writing by the City Clerk before the close of the Public Hearing referenced above.

Written protests regarding the solid waste rate increase and/or the IWMA fee increase may be mailed to:

**City of Morro Bay
Attn: City Clerk
595 Harbor Street
Morro Bay, CA 93442**

Written protests may also be personally delivered to the City Clerk's Office located at 595 Harbor Street, Morro Bay, CA 93442.

If valid written protests are presented by a majority of owners and/or tenants-customers of parcels receiving solid waste service within the City's limits, then the City will not adjust/increase the solid waste disposal rates. Only one protest per parcel will be counted in determining whether or not a majority protest exists.

Morro Bay Garbage

Solid Waste Service Rates - Effective 7/1/2022

City of Morro Bay

Service Description	Service Frequency	Currently Monthly Rate Effective 1/1/2022	Proposed Rate Adjustment	Proposed Monthly Rate Effective 07/01/2022
MONTHLY SINGLE-FAMILY AND MULTI-UNIT RESIDENTIAL SERVICE (4 UNITS OR LESS)				
Price per month for specified waste wheeler collected each week. Residential customers must use the waste wheelers provided by the garbage company. This solid service fee for residential trash collections (container with black or gray lid) includes once a week pick-up of one greenwaste/organics container (green lid), and one recycling container (blue lid). The fees listed below do not include the updated IWMA fee of 5.4 percent of the Garbage Company's gross receipts.				
MINI-CAN SERVICE				
One 19 gallon waste wheeler container	1	\$14.30	\$1.30	\$15.59
ECONOMY RATE				
One 32 gallon waste wheeler container	1	\$22.88	\$2.07	\$24.95
STANDARD RATE				
One 64 gallon waste wheeler container	1	\$45.76	\$4.15	\$49.90
PREMIUM RATE				
One 96 gallon waste wheeler container	1	\$68.64	\$6.22	\$74.86
SERVICE AWAY FROM THE STREET CURB (IN YARD)				
Additional per month per can or container charge		\$12.47	\$1.13	\$13.60
COMMERCIAL - OTHER CHARGES:				
Rates for all commercial customers include recycling or greenwaste/organics pickup once per week, included with the garbage service rate. Customers can choose from a 64 or 96 gallon blue commingled recycle waste wheeler or a 32 or 64 gallon organics waste wheeler included with the garbage service rate (96 gallon waste wheelers can only be used with green waste due to weight). The fees listed below do not include the updated IWMA fee of 5.4 percent of the Garbage Company's gross receipts.				
If you need more frequent recycling, including organics/greenwaste service, it can be provided at 25% of the garbage service rates for the specified level of service required.				
MONTHLY COMMERCIAL WASTE WHEELERS SERVICE				
One 32 Gallon Waste Wheeler	1	\$47.24	\$4.28	\$51.52
One 32 Gallon Waste Wheeler	2	\$92.21	\$8.36	\$100.57
One 32 Gallon Waste Wheeler	3	\$120.61	\$10.94	\$131.55
One 32 Gallon Waste Wheeler	4	\$149.01	\$13.51	\$162.52
One 32 Gallon Waste Wheeler	5	\$194.02	\$17.59	\$211.61
One 32 Gallon Waste Wheeler	6	\$238.98	\$21.67	\$260.65
One 64 Gallon Waste Wheeler	1	\$68.54	\$6.21	\$74.75
One 64 Gallon Waste Wheeler	2	\$120.57	\$10.93	\$131.50
One 64 Gallon Waste Wheeler	3	\$174.99	\$15.87	\$190.86
One 64 Gallon Waste Wheeler	4	\$236.56	\$21.45	\$258.01
One 64 Gallon Waste Wheeler	5	\$295.78	\$26.82	\$322.60
One 64 Gallon Waste Wheeler	6	\$345.47	\$31.32	\$376.79

Service Description	Service Frequency	Currently Monthly Rate Effective 1/1/2022	Proposed Rate Adjustment	Proposed Monthly Rate Effective 07/01/2022
One 96 Gallon Waste Wheeler	1	\$92.19	\$8.36	\$100.55
One 96 Gallon Waste Wheeler	2	\$160.76	\$14.58	\$175.34
One 96 Gallon Waste Wheeler	3	\$236.48	\$21.44	\$257.92
One 96 Gallon Waste Wheeler	4	\$314.58	\$28.52	\$343.10
One 96 Gallon Waste Wheeler	5	\$383.21	\$34.74	\$417.95
One 96 Gallon Waste Wheeler	6	\$468.35	\$42.46	\$510.81
MONTHLY COMMERCIAL CONTAINER SERVICE - (CUBIC YARDS)				
1 Yd Container	1	\$116.32	\$10.55	\$126.87
1 Yd Container	2	\$180.21	\$16.34	\$196.55
1 Yd Container	3	\$232.28	\$21.06	\$253.34
1 Yd Container	4	\$291.44	\$26.42	\$317.86
1 Yd Container	5	\$336.45	\$30.50	\$366.95
1 Yd Container	6	\$419.28	\$38.01	\$457.29
1 Yd Container	7	\$633.41	\$57.43	\$690.84
1.5 Yd Container	1	\$142.36	\$12.91	\$155.27
1.5 Yd Container	2	\$234.69	\$21.28	\$255.97
1.5 Yd Container	3	\$315.19	\$28.58	\$343.77
1.5 Yd Container	4	\$400.36	\$36.30	\$436.66
1.5 Yd Container	5	\$480.84	\$43.60	\$524.44
1.5 Yd Container	6	\$573.16	\$51.97	\$625.13
1.5 Yd Container	7	\$840.84	\$76.24	\$917.08
2 Yd Container	1	\$170.79	\$15.48	\$186.27
2 Yd Container	2	\$298.56	\$27.07	\$325.63
2 Yd Container	3	\$400.36	\$36.30	\$436.66
2 Yd Container	4	\$509.27	\$46.17	\$555.44
2 Yd Container	5	\$622.89	\$56.47	\$679.36
2 Yd Container	6	\$736.48	\$66.77	\$803.25
2 Yd Container	7	\$1,057.67	\$95.89	\$1,153.56
3 Yd Container	1	\$220.52	\$19.99	\$240.51
3 Yd Container	2	\$400.36	\$36.30	\$436.66
3 Yd Container	3	\$563.72	\$51.11	\$614.83
3 Yd Container	4	\$715.16	\$64.84	\$780.00
3 Yd Container	5	\$925.85	\$83.94	\$1,009.79
3 Yd Container	6	\$1,067.83	\$96.82	\$1,164.65
3 Yd Container	7	\$1,442.62	\$130.80	\$1,573.42

Service Description	Service Frequency	Currently Monthly Rate Effective 1/1/2022	Proposed Rate Adjustment	Proposed Monthly Rate Effective 07/01/2022
4 Yd Container	1	\$291.44	\$26.42	\$317.86
4 Yd Container	2	\$542.38	\$49.18	\$591.56
4 Yd Container	3	\$753.01	\$68.27	\$821.28
4 Yd Container	4	\$1,006.31	\$91.24	\$1,097.55
4 Yd Container	5	\$1,259.57	\$114.20	\$1,373.77
4 Yd Container	6	\$1,425.26	\$129.22	\$1,554.48
4 Yd Container	7	\$1,853.55	\$168.05	\$2,021.60
6 Yd Container	1	\$436.62	\$39.59	\$476.21
6 Yd Container	2	\$792.74	\$71.87	\$864.61
6 Yd Container	3	\$1,116.14	\$101.20	\$1,217.34
6 Yd Container	4	\$1,416.04	\$128.39	\$1,544.43
6 Yd Container	5	\$1,833.17	\$166.20	\$1,999.37
6 Yd Container	6	\$2,114.32	\$191.70	\$2,306.02
6 Yd Container	7	\$2,856.40	\$258.98	\$3,115.38
8 Yd Container	1	\$577.10	\$52.32	\$629.42
8 Yd Container	2	\$1,073.90	\$97.37	\$1,171.27
8 Yd Container	3	\$1,490.97	\$135.18	\$1,626.15
8 Yd Container	4	\$1,992.53	\$180.65	\$2,173.18
8 Yd Container	5	\$2,493.95	\$226.11	\$2,720.06
8 Yd Container	6	\$2,821.97	\$255.85	\$3,077.82
8 Yd Container	7	\$3,045.65	\$276.13	\$3,321.78
EXTRA COLLECTION SERVICE OPTIONS				
Overstacked Garbage & extra bags Minimum/unit	Per Occurrence	\$11.43	\$1.04	\$12.47
Overstacked Green waste & extra bags Minimum/unit	Per Occurrence	\$7.42	\$0.67	\$8.09
Overstacked Blue Bin & extra bags Minimum/unit	Per Occurrence	\$5.72	\$0.52	\$6.24
Monthly charge for additional 64 or 96-gallon recycle service	Each	\$3.82	\$0.35	\$4.17
Monthly charge for additional 32 or 96-gallon green waste service	Each	\$7.42	\$0.67	\$8.09
Monthly charge for additional commercial 96-gallon recycle service	Each	\$23.05	\$2.09	\$25.14
Service level changes more than once per 12 months	Per Occurrence	\$10.44	\$0.95	\$11.39

Service Description	Service Frequency	Currently Monthly Rate Effective 1/1/2022	Proposed Rate Adjustment	Proposed Monthly Rate Effective 07/01/2022
Small item pickup (TV, toilet)	Each	\$21.72	\$1.97	\$23.69
Per white good article/ appliance	Each	\$72.74	\$6.59	\$79.33
Per mattress or box spring	Each	\$21.73	\$1.97	\$23.70
Change waste wheeler size (once per year free)	Per Occurrence	\$10.44	\$0.95	\$11.39
Re-deliver fee-if pulled for collections	Per Occurrence	\$41.56	\$3.77	\$45.33
Install locking device on bin	Each	\$92.21	\$8.36	\$100.57
Extra bin cleaning	Each	\$73.34	\$6.65	\$79.99
Garbage extras on your scheduled pickup day	Per Yard	\$18.90	\$1.71	\$20.61
Loose Cardboard	Per Yard	\$9.48	\$0.86	\$10.34
Garbage extras - NOT ON YOUR SCHEDULED PICKUP DAY	Per Bag	\$15.56	\$1.41	\$16.97
Garbage extras - NOT ON YOUR SCHEDULED PICKUP DAY	Per Yard	\$29.99	\$2.72	\$32.71
Compactors	Per Ton	\$61.40	\$5.57	\$66.97
Bin Rental	Per Month	\$43.06	\$3.90	\$46.96
Temp Bin Rental	Per Day	\$2.39	\$0.22	\$2.61
Stand by time	Per Hour	\$83.40	\$7.56	\$90.96
Trip charge	Per Occurrence	\$10.44	\$0.95	\$11.39
Damage/Destruction of bins or waste wheelers	Each	Replacement/repair at market price		

ADDITIONAL INFORMATION ALL CUSTOMERS:

- Customers requesting Temporary Bins or Roll-off Box Service can call the office for current rates.
- Polystyrene (Styrofoam, Plastic #6) is not collected for recycling and should be thrown away as trash. Please bag Styrofoam packing peanuts before placing in trash container.
- It is encouraged to bag your trash in the garbage container but do not bag your recyclables or green waste in their respective containers and keep it loose.
- Recycling, Greenwaste/Organic and Garbage containers should spaced 3 feet apart away from any obstacles (i.e mailboxes, cars, etc) before 6:00am on collection service day.
- The fee schedule above only includes the Garbage Company rates and does not include the IWMA's updated fee of 5.4 percent of the Garbage Company's gross receipts, which are separately noted on the billings.
- Cleaning fees will be billed on a time and materials basis.
- Late Fees are imposed for residential customers over 30 days delinquent. The fee is 1.5% per month of the outstanding charge, with a minimum fee of \$5.00. No prior notice is required, as this late fee policy is stated at the bottom of every bill.
- Customers can be responsible for contamination fees.

Any additional recycling, including greenwaste/organic services are charged out at 25% of the garbage rate.

Morro Bay, CA 93442-3907

Or Current Resident



Standard
US Postage
PAID
Santa Barbara, CA
Permit No. 800

Morro Bay Garbage
4388 Old Santa Fe Road
San Luis Obispo, CA 93401

This is the (last) page that contained a postage stamp, return address, bar code and name and mailing address. No envelope was use to mail this notice to parcel owners or rate payers.

END

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AGENDA NO: C-2

MEETING DATE: June 28, 2022

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Tuesday, June 28, 2022 10:08 AM
To: John Heading; Jeffrey Heller; Dawn Addis; Laurel Barton; Jennifer Ford
Cc: Greg Kwolek; Dana Swanson
Subject: agenda item c-2

CAUTION: This is an external email. Please take care when clicking links or opening attachments.

Dear City Council:

This item came before the Planning Commission last week, but the City Council staff report does not reflect the Commission's comments and concerns nor the public's. In addition, the graph and discussion on pages 451-452 were not part of the Planning Commission staff report, so they were not able to reflect on this information.

This new information on pages 451-452 is key information and a welcome addition.

First, what is not stated in the report is how much acre feet per year (AFY) of water the City uses. It is approximately 1100AFY. 5% of the City's total State Water allotment for this year is 180AFY. If the City can pump the maximum it is permitted from the Morro wells, the City has an additional 435.75AFY. That's a total of 616AFY, half of what the City needs to get through the year.

Second, to make up the difference, page 448 indicates the City has 238AF "stored" at San Luis Reservoir. However, the bottom of page 451 states that the City's store water is "spilled," "essentially erasing surplus water saved by the City." *The critical question is: does the City have 238AF to add to its 616AFY for this year?* If yes, that's great for a total of 854AF, but still short of the City's need.

Third, the CCWA or District has its own stored water of 40AF that the City could potentially use. Now we have reached 894AF, still short of 1100AF.

Fourth, to make up the final difference, the CCWA states it will have about 7,000AF that is unallocated that the City can buy. The City will need to augment its normal supply by 206AF, or 484AF if San Luis Reservoir is not available. The City has a serious deficit of water this year.

In 2023, the need will be even greater. There won't be the stored water. There may be unallocated water to buy. But the need will be greater because projects like the 83-room hotel with swimming pool, the 41-unit housing project on Hwy 41, and the various approved "host-less hotels" (short-term vacation rentals) will come online, so the demand for more water will be greater. As an example, it is estimated that a housing unit uses .2AFY. Multiplied by 41 there is an additional need of 8.2AFY for just that one project. *How many other housing units are coming online? How are hotels, STR's, swimming pools calculated?*

All this data informs the granting of WEUs. The argument will be made that granting a WEU may not materialize for several years. However, as shown above, there are past projects that are materializing now. The citizens' initiative, Measure F, that created WEUs was to protect the City from building outside its resources. It is obvious, that the City is in a water deficit; it does not have its own sufficient resource, water, to grant WEUs this year.

Sincerely,
Betty Winholtz