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# LEGAL NOTICES

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### Notice of Intent to Circulate Initiative Petition

Notice is hereby given by the person whose name appears hereon of his intention to circulate the petition within the City of San Diego for the purpose of adding Section 66.0127.5 to Chapter 6, Article 6, Division 1 to the San Diego Municipal Code.

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

San Diego voters were sold Measure B's trash fees on a message that simply wasn't true. City Hall promised an efficient and affordable update to trash service. Instead, residents were hit with new trash fees that are dramatically more expensive, more confusing, and only partially implemented through a botched rollout. Measure B barely passed, and it did so by concealing the true costs by hundreds of dollars per home, yearly.

For more than a century, San Diego provided trash collection as a basic city service without extra trash fees. The People's Ordinance made that commitment clear. City politicians chose to break that commitment because they failed to manage their own budget. Rather than address waste, overspending and mismanagement, City Hall shifted the burden onto working families, homeowners, and seniors already struggling with rising prices, higher utility bills, and constant tax and fee increases.

The rollout has confirmed the worst fears. The City's implementation of the new trash fees has been a fiasco: missing bins, delayed delivery, inconsistent service, shifting explanations about costs, and new layers of costly and unaccountable bureaucracy. City officials misrepresented impacts and failed to deliver the improvements they promised. The new fees were sold as transparent and affordable; they have been neither.

This measure repeals these excessive trash fees scheduled for the next two years to protect residents from charges built on false premises. It prevents City Hall from imposing these costly trash fees during that period and ensures San Diegans are not forced to pay more for a service that has been traditionally included.

Passing this measure sends a clear message: before City Hall imposes new fees, it must demonstrate honesty, transparency, and competent management, not rely on misleading claims and broken commitments.

/s/ Matthew Gardner 2/24/2026  
Matthew Gardner Date  
8364 Suntree Pl.  
San Diego, CA 92119

### Ordinance to Repeal Solid Waste Management Collection Fees

The people of the City of San Diego do ordain as follows:

#### SECTION 1. Findings and Purpose.

The people of the City of San Diego find and declare that:

- A. The City of San Diego did not charge residents a fee for waste, recycling and organic waste collection services for almost 100 years, as codified in "the People's Ordinance."
- B. City voters amended the People's Ordinance in 2022 to authorize the City Council to impose a fee on residents for these solid waste management services.
- C. The City Council then imposed solid waste management fees in June 2025 in Resolution No. R-316260. The actual amounts of these fees are reflected in Exhibit B1 attached to that Resolution.
- D. The People of the City of San Diego now exercise their initiative power reserved by Article III, Section 23 of the San Diego City Charter, Article II, Sections 8 and 11 and Article XIII.C, Section 3 of the California Constitution, to repeal these fees for Fiscal Year 2027-2028 and Fiscal Year 2028-2029.

#### SECTION 2. Repeal of Solid Waste Management Collection Fees.

Section 66.0127.5 is hereby added to Chapter 6, Article 6, Division 1 of the San Diego Municipal Code, to read as follows:

#### 66.0127.5 Repeal of Solid Waste Management Collection Fees for Fiscal Years Beginning July 1, 2027 and July 1, 2028.

- A. Notwithstanding any contrary provision in City law, the solid waste management fee schedule imposed by the City Council in Resolution No. R-316260 on June 16, 2025 is hereby repealed for fiscal years beginning July 1, 2027 and July 1, 2028.
- B. Pursuant to subdivision (A), the solid waste management fees listed in Resolution No. R-316260 for fiscal years beginning July 1, 2027 and July 1, 2028 are repealed as follows:

Proposed Revised Fee Schedule under Option 1 for 3-Container Bundle (cost per month)		
Bundles	Effective Date	
	July 1, 2027	July 1, 2028
<b>Bundle Option 1:</b> • 35-gal trash container • 95-gal recycling container • 95-gal organics container	\$40.57 \$0.00	\$42.89 \$0.00
<b>Bundle Option 2:</b> • 65-gal trash container • 95-gal recycling container • 95-gal organics container	\$48.76 \$0.00	\$51.22 \$0.00
<b>Bundle Option 3:</b> • 95-gal trash container • 95-gal recycling container • 95-gal organics container	\$55.00 \$0.00	\$57.55 \$0.00
Proposed Fee for Additional Containers (cost per month per container) <sup>3</sup>		
	Effective Date	
	July 1, 2027	July 1, 2028
35-gal trash container	\$8.79 \$0.00	\$8.87 \$0.00
65-gal trash container	\$16.65 \$0.00	\$16.84 \$0.00
95-gal trash container	\$22.69 \$0.00	\$22.90 \$0.00
95-gal recycling container	\$14.84 \$0.00	\$17.50 \$0.00
95-gal organics container	\$13.44 \$0.00	\$13.54 \$0.00

#### SECTION 3. City Council Resolution and Exhibit.

For reference purposes only, City Council Resolution Number R-316260 and Exhibit B1 are as follows:

(R-2025-589 REV.)RESOLUTION NUMBER R-316260  
DATE OF FINAL PASSAGE JUN 16 2025  
A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ADOPTING A SOLID WASTE MANAGEMENT FEE AND FEE SCHEDULE, AND ALL RELATED ACTIONS.  
RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:  
A. Chapter 6, Article 6, Division 1, section 66.0127 of the San Diego Municipal Code, known as the "People's Ordinance," expressly authorizes the City to charge a cost-recovery fee for City-provided solid waste management services, including, waste, recycling, and organic waste collection services (Solid Waste Management Fee).

B. The City hired consultants to provide outreach and engagement services, analyze operational efficiencies, conduct a comprehensive cost of service study, and develop fee schedule recommendations for implementing a Solid Waste Management Fee.

C. As detailed in the staff report accompanying this item, the consultants evaluated the City's solid waste management services, potential areas for service enhancements, and costs of service and developed an Operational Efficiency Analysis, dated October 2024, which provided several recommendations for the City's solid waste management services; the City also engaged in a public process to determine the desired level of service for the City's solid waste management services; the consultant's operational review and the public engagement process assisted the City in determining the proposed service levels, which were incorporated into the model that was used to determine costs of service and develop the proposed Solid Waste Management Fee schedule options.

D. The City presented the Cost of Service Rate Study Report dated April 4, 2025 (April Rate Study Report) to Council on April 14, 2025; the April Rate Study Report included a comprehensive review of the City's costs to provide solid waste management services, proportionately allocated those costs to each service level, and set forth a proposed Solid Waste Management Fee and fee schedule.

E. On April 14, 2025, Council voted to initiate the procedures under article XIII.D, section 6 of the California Constitution (Proposition 218) to consider implementing a Solid Waste Management Fee, and noticed a public hearing date for June 9, 2025 to tabulate protests and consider whether to adopt the Solid Waste Management Fee; Council reduced the length of the fee schedule from five years to four years, through Fiscal Year 2029, and directed the City to consider measures to reduce the fees.

F. Under Proposition 218, prior to adopting a Solid Waste Management Fee, the City must provide mailed notice to all property owners at least 45 days prior to the public hearing to consider the adoption of the fee and the notice must include (1) the amount of the proposed Solid Waste Management Fee, (2) the basis on which the fees were calculated, (3) the reason for the fee adoption, and (4) the date, time, and place of a public hearing to consider the fee adoption; in accordance with Proposition 218, the City mailed notice of the fee and public hearing date with the required information to the record owners of parcels that will be subject to the fee at least 45 days prior to the June 9 hearing date.

G. In response to Council's direction, the City adjusted several assumptions in the cost of service model that was the basis of the April Rate Study Report; specifically, the City reduced the reserve target from 25 percent to 16.7 percent, spread the cost of new containers over ten years, increased the projected customer count, and removed weekly recycling and bulky item pickup costs from years one and two of the fee schedule, among other adjustments that lowered the fees calculated by the cost of service model.

H. As a result of the changes to the cost of service model, the City's consultants developed a revised Cost of Service Rate Study Report that sets forth a proposed fee schedule with the cost saving measures (May Rate Study Report), attached hereto as Exhibit A.

I. In addition to the cost saving adjustments that were incorporated into the May Rate Study Report, staff also presented three additional options to Council for its consideration, each of which removes enhanced services to further lower rates; the revised proposed rate schedule is attached hereto as Exhibit B1 and the three rate schedules reflecting the additional options are attached hereto as Exhibits B2, B3, and B4.

J. All fees presented in the May Rate Study Report are lower than those included in the Proposition 218 notices sent to eligible customers, do not exceed the City's costs of service, and proportionately allocate costs to the City's customers in compliance with all legal requirements, including Proposition 218.

K. The Solid Waste Management Fee is an exempt charge, within the meaning of section 1 of article XIII.C of the California Constitution because the charges are imposed in accordance with and subject to article XIII.D of the California Constitution.

L. On June 9, 2025, the Council conducted a public hearing, considered testimony, and at the conclusion of the hearing determined that a majority protest did not exist.

M. The Office of the City Attorney prepared this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

#### ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

- 1. The City Council approves and adopts the May Rate Study Report attached hereto as Exhibit A, which sets forth the basis for the Solid Waste Management Fee rates.
- 2. The City Council adopts the solid waste management fee schedule in Exhibit B1 attached hereto and incorporated herein for reference, and approves the corresponding level and scope of service that were used to calculate the adopted fee schedule.
- 3. The Council finds and determines that based on the entire record before City Council, including but not limited to the staff report, April Rate Study Report, May Rate Study Report, and all attachments hereto, that (1) revenues derived from the adopted Solid Waste Management Fee and corresponding fee schedules will not exceed the funds required to provide solid waste service, respectively, (2) revenues derived from the adopted Solid Waste Management Fee and corresponding fee schedules will not be used for any purpose other than that for which they were imposed, (3) the amount of the Solid Waste Management Fee imposed upon any parcel or person as an incident of property ownership will not exceed the proportionate cost of the service attributable to the parcel, (4) the Solid Waste Management Fee is being imposed for a service or services that are actually used by, or immediately available to, the property in question, and (5) the Solid Waste Management Fee is not being imposed for general government services.
- 4. The Mayor is authorized to take any actions necessary to implement the approved Solid Waste Management Fee.

APPROVED: HEATHER FERBERT, City Attorney

By Nicole M. Denow  
Senior Deputy City Attorney

NMD:nfs  
May 20, 2025  
June 10, 2025 REV.  
Or.Dept: ESD  
Doc No. 4067633\_3

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on JUN 09 2025.

DIANE J.S. FUENTES

City Clerk

By: s/Connie Patterson

Deputy City Clerk

Approved: 6/2/2025 s/Todd Gloria

(date) TODD GLORIA, Mayor

Vetted: (date) TODD GLORIA, Mayor

#### EXHIBIT B1

PROPOSED REVISED FEE SCHEDULE OPTION 1 (cost per month): <sup>1</sup>The City is considering whether to collect the proposed solid waste management fees on the County tax roll. Should the City elect to collect the proposed fees on the tax roll, the fees will be imposed through two equal, bi-annual payments.

Proposed Revised Fee Schedule under Option 1 for 3-Container Bundle (cost per month)				
Bundles	Effective Date			
	July 1, 2025 <sup>2</sup>	July 1, 2026	July 1, 2027	July 1, 2028
<b>Bundle Option 1:</b> • 35-gal trash container • 95-gal <sup>1</sup> recycling container • 95-gal <sup>1</sup> organics container	\$32.82	\$33.66	\$40.57	\$42.89
<b>Bundle Option 2:</b> • 65-gal trash container • 95-gal <sup>1</sup> recycling container • 95-gal <sup>1</sup> organics container	\$38.94	\$39.86	\$48.76	\$51.22
<b>Bundle Option 3:</b> • 95-gal trash container • 95-gal <sup>1</sup> recycling container • 95-gal <sup>1</sup> organics container	\$43.60	\$44.57	\$55.00	\$57.55
Proposed Fee for Additional Containers (cost per month per container) <sup>3</sup>				
	Effective Date			
	July 1, 2025 <sup>2</sup>	July 1, 2026	July 1, 2027	July 1, 2028
35-gal trash container	\$6.89	\$6.98	\$8.79	\$8.87
65-gal trash container	\$13.06	\$13.23	\$16.65	\$16.81
95-gal trash container	\$17.78	\$18.01	\$22.69	\$22.90
95-gal <sup>1</sup> recycling container	\$9.67	\$11.11	\$14.84	\$17.50
95-gal <sup>1</sup> organics container	\$13.01	\$12.71	\$13.44	\$13.54

1 The City proposes to provide recycling and organics collection at the service level of 95-gal containers only. Customers may request a 35-gal or 65-gal size recycling and/or organics container at the same rate if they prefer a smaller container for reasons unrelated to solid waste services, for example, if they would like a smaller size due to space considerations. However, all customers will be charged at the 95-gal container rate for recycling and organics collection services.

2 Under the proposed rate plan, the City would charge all customers at the Bundle Option 3: 95-gal container rate during Fiscal Year 2026. Customers will be asked to select a service level and bundled rate option during Fiscal Year 2026. Customers that select the 35-gallon or 65-gallon service level options for their trash container will receive a credit, on their Fiscal Year 2027 bill, for the difference between the rates associated with their selected service level and the 95-gallon service level, for the period of time between when the customers subscribed to and received the smaller containers and the end of Fiscal Year 2026. Customers that currently have a bin that is smaller than 95 gallons may request a 95 gallon bin for Fiscal Year 2026.

3 Customers that select additional containers beyond the initial bundle will receive a debit, on their Fiscal Year 2027 bill, for the cost of the additional container, for the period of time between when the customers subscribed to and received the additional containers and the end of Fiscal Year 2026.

#### SECTION 4. Earliest Possible Election.

The People of San Diego hereby expressly request that this measure be submitted to the voters at San Diego at the earliest time allowable by law.

#### SECTION 5. Effective Date.

This Ordinance shall become effective upon its approval by a simple majority of electors voting on the Ordinance.

#### SECTION 6. Conflicting Measures.

A. Any other measure concerning or affecting fees for solid waste management collection services which appears on the same ballot shall be deemed to conflict with this Ordinance.

B. In the event that this Ordinance and one or more conflicting measures appear on the same ballot, the provisions of the measure which receives the greater number of affirmative votes shall prevail in their entirety, and the other measure or measures shall be null and void.

C. If this Ordinance is approved by the voters but superseded by any other conflicting measure approved by voters at the same election, and the conflicting ballot measure is later held invalid, this Ordinance shall be self-executing and given full force and effect.

#### SECTION 7. Severability.

Should any provision of this measure, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, voidable, or invalid, that determination shall have no effect on any other provision, or the application of this measure to any other person or circumstance and, to that end, the provisions hereof are severable. By approving this measure, the voters express their intent that each section and subsection would have been adopted irrespective of whether any one or more sections or subsections are found to be invalid or unconstitutional, and that each section and subsection is therefore explicitly severable, part-by-part, phrase-by-phrase, and word-by-word, and that if any portion is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, voidable or invalid, that the least amount of language be severed from the ordinance.

#### SECTION 8. Amendments.

No provision of this Ordinance shall be amended or repealed except by a vote of the People of San Diego.

#### SECTION 9. Liberal Construction.

This Ordinance shall be liberally construed to effectuate its purposes.

#### SECTION 10. Municipal Affairs.

A. The People of San Diego hereby declare that fees for solid waste management collection services constitutes a municipal affair. The People of the City of San Diego declare their intent that this citizen initiative be enacted, and that fees for solid waste management collection services be repealed, if this Ordinance is approved by a simple majority of voters.

B. The People of San Diego further declare that this initiative represents their power to reduce, repeal or affect a local tax, assessment, fee or charge, pursuant to Article XIII.C, section 3 of the California Constitution.

SECTION 11. Legal Defense. People of the City of San Diego desire that this Ordinance, if approved by the voters and thereafter challenged in court, be defended by the City. The people, by approving this Ordinance, hereby declare that the proponent of this Ordinance has a direct and personal stake in defending this Ordinance from legal challenges to the Ordinance's validity or implementation. In the event the City fails to defend this Ordinance, or the City fails to appeal an adverse judgment against the constitutionality, statutory permissibility, or implementation of this Ordinance, in whole or in part, in any court of law, the proponents shall be entitled to assert his direct personal stake by defending the Ordinance's validity and implementation in any court of law and shall be empowered by the people through this Ordinance to act as the agent of the people. The City shall indemnify the proponent for reasonable expenses and any losses incurred by the proponent, as an agent, in defending the validity and/or implementation of the challenged Ordinance. The rate of indemnification shall be no more than the amount it would cost the City to perform the defense itself.