

City of Piedmont
COUNCIL AGENDA REPORT

DATE: April 16, 2018

TO: Mayor and Council

FROM: Paul Benoit, City Administrator

SUBJECT: Review of the approved Policy Allowing for Residents with Certain Physical Limitations to Receive “On-Premise” (Backyard) Service at Curbside Rates

RECOMMENDATION:

Approve the revised policy (attachment 1, pages 4-5) pertaining to allowing qualified single-family residential households to receive a discounted rate for on-premises collection equal to the curbside collection rate.

EXECUTIVE SUMMARY:

The Council adopted policy for the exemption from curbside placement of garbage, organics and recycling carts establishes the criteria and procedure for applications for the exemption. As a discount that will be available to Piedmont’s single-family residential customers for the very first time beginning July 1, 2018, staff was careful in crafting a policy that is equitable, simple in process, and facilitates monitoring. The policy has the following provisions:

1. The applicant must complete and submit an application form.
2. With the initial application, the applicant must submit a doctor’s certification or a current California disability parking placard.
3. As a component of the application, the applicant must verify that there are no able-bodied residents or caretakers in the household that can move the carts to the curb.
4. There is no application fee.
5. The exemption must be renewed annually, and the City will provide an annual reminder of the renewal requirement.
6. City staff provides a list of approved applicants to Republic Services.

In response to Council concerns over the burden of submitting annual applications, staff recommends modifying the policy to include a provision specifically allowing for applications to be submitted via email, mail, in-person, or by any other reasonable means.

The two-page application form is available on the City’s website and at City Hall. Because the policy sets up a simple process for the completion and review of applications, and it provides a means to easily monitor the program, no further changes to the policy are recommended by staff. Since the policy is in response to a new program, staff will evaluate implementation of the discount program and report back to the City Council periodically.

BACKGROUND:

The solid waste services agreement (agreement) with Republic Services allows for single-family residential service recipients to have the option to receive either curbside collection service or on-premises collection service for their garbage, organics and recycling carts. On-premises collection service costs approximately \$43 more per month than curbside collection service. The agreement contains a provision that allows single-family households having no members who are physically able to move their carts to the curb, by reason of physical disability, to receive on-premises collection service for a cost that is equal to that for curbside collection service. Unlike most other agreements local jurisdictions have with their solid waste services providers, Piedmont's agreement with Republic Services stipulates that the City will be responsible for administering the discount program, not the hauler. This was to ensure that the implementation of this new program was effective and responsive to customer needs.

The adopted policy provides that in order to receive on-premises collection service for a reduced curbside collection rate, a single-family residential customer will be required to complete an application for exemption from curbside cart placement (attachment 2, page 6-7), and include a copy of a doctor's certification or provide a current California disability parking placard registered to the applicant and household members as verification that they are physically unable to move and place the carts at the curb. The applicant is required to verify through signing the application, that there is no able-bodied caretaker or resident in the household who would be able to move the carts to the curb.

The policy provides that City staff will process applications at no cost to the applicant and upon approval, will forward the decision to Republic Services. As of this hearing, staff has received and processed seven applications that have been hand delivered, mailed, and emailed.

In order to continue to receive the exemption to the curbside placement of trash and recycling carts, the applicant is required to re-submit a doctor's certification or California disability parking placard registered to the applicant once a year and certify that no able-bodied person is residing on the property. City staff will send a notice to recipients reminding them of the requirement. Acknowledging that a residents circumstances may change over the course of a year, the annual renewal requirement is a means by which staff can monitor the program, keep its records updated, and ensure that the program is implemented equitably.

Failure to comply with the annual renewal would result in the applicant paying the standard rate for the service received. As noted above, most disability discount programs are implemented by the solid waste service company, not the local jurisdiction. The requirement for annual renewal varies from company to company. For example, Livermore Sanitation, which provides recycling, organics, and garbage service in the Livermore Valley, requires yearly re-verification for their backyard service through submission of an updated doctor's note or copy of a California disability parking placard. Discussions with Livermore Sanitation have revealed that the re-verification has not been problematic. In the event that a resident forgets to provide re-verification, they are contacted and reminded of the requirement via a phone call, which provides the opportunity for staff to address any other service issues the customer may have. As stated

above, in order to ensure that the new curbside exemption discount is reasonably implemented, staff recommends that the application be renewed annually so that staff can effectively monitor the program.

Based on the Council's discussion on December 4, 2017 in regards to the burden created on submitting applications and re-verification documentation for the discount program, staff recommends the revision of the policy to include guideline four, which allows for applications and re-verification documentation to be accepted by any reasonable means including by mail, email, or hand delivery. The change is intended to create as little a burden as possible in order for disabled service recipients to receive on-premises collection at the discounted rate equal to curbside collection.

CITY ATTORNEY REVIEW:

The City Attorney has reviewed and approved of the policy as to form and legality.

By: Chris Yeager, Assistant Planner

ATTACHMENTS

| | | |
|--------------|-----------|--|
| Attachment 1 | Pages 5-6 | Revised Policy for the Exemption From Curbside Placement of Garbage, Organics and Recycling Carts, |
| Attachment 2 | Pages 7-8 | Application for Exemption From Curbside Placement of Carts |

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**CITY OF PIEDMONT
POLICY FOR THE EXEMPTION FROM CURBSIDE PLACEMENT
OF GARBAGE, ORGANICS AND RECYCLING CARTS**

SUBJECT: Exemption from Curbside Placement of Garbage, Organics and Recycling Carts

PURPOSE: To provide guidance to staff and residents concerning the exemption from curbside placement of garbage, organics and recycling carts for single-family residential households consisting only of residents who are physically unable to move their trash and recycling carts to the curb each week and seek to be provided On-Premises Collection Service.

GUIDELINES: The City of Piedmont has established the following guidelines concerning the exemption from curbside placement of garbage, organics and recycling carts for single-family residential households consisting only of residents who are physically unable to move their trash and recycling carts to the curb and seek to be provided On-Premises Collection Service.

1. The applicant must complete the Exemption from Curbside Placement application to the fullest extent and must provide a copy of a doctor's certification or a current California Disability Parking Placard with the initial application.
2. After the initial application has been filed, the applicant is required to provide an updated doctors certification or a current California Disability Parking Placard, once a year on or by May 15, unless an application has been filed by the applicant within the past nine (9) months. If the applicant fails to provide the annual proof of disability, they will be billed the on premises service fee.
3. As part of the application, the applicant must verify that there are no able-bodied residents or caretakers in the household who are physically able to move the carts to the curb.
4. Applications and re-verifications of disability are accepted by mail, email, hand delivery, or by any other reasonable means.

PROCEDURE: Staff will review and act on all applications for the exemption to the curbside placement of garbage, organics and recycling carts in accordance with this policy within 30 days of receiving the application.

1. Staff will review the application in accordance with this policy and either grant approval or denial of the application. In the event of a denial, reasoning will be provided to the applicant.
2. If an application is denied, the applicant may appeal the denial to a Hearing Officer designated by the City Administrator. Any such appeal must be brought within ten calendar days of the issuance of the denial. The appeal must be in writing; specify the reasons for the appeal; contain the name, address, and telephone number of the applicant; be accompanied by an appeal fee determined by City Council; and be submitted to the City Clerk. Upon the filing of a timely and complete appeal, the matter will be set for hearing. The City Clerk will notify the parties in writing of the date, time, and location of the hearing at least ten (10) days prior to the hearing date. The Hearing Officer will review the application de novo, and may consider all relevant evidence. The

Hearing Officer will issue a written determination within 15 days of the conclusion of the hearing. The determination of the Hearing Officer will be final. If the Hearing Officer reverses the denial and approves the application, the applicant shall be entitled to a refund of the appeal fee.

3. Upon approval, the determination will be forwarded to Republic Services for the implementation of the appropriate service and rates.
4. For residents who are currently approved for the exemption, staff will provide an annual reminder of the requirement to resubmit proof of disability. The annual reminder will be sent via email and/or US Mail on or by April 1.
5. On, or by, June 1, staff will provide an updated list of approved applicants to Republic Services.

CITY OF PIEDMONT
120 VISTA AVENUE
PIEDMONT, CA 94611
TEL: (510) 420-3050
FAX: (510) 658-3167

RECEIVED _____
DATE FILED _____
(For staff use only)

APPLICATION FOR EXEMPTION FROM CURBSIDE PLACEMENT OF CARTS

The City of Piedmont may grant on-premises waste collection service at curbside prices for people with physical limitations if there is no caretaker or other resident living on property that is physically able to place carts out for curbside collection. A doctor’s certification or a copy of a valid California disability placard is required to complete the application. NOTE: reporting of a specific medical diagnosis is not required.

INSTRUCTIONS: Please complete the following form. Return the completed form and proof of physical limitation to Piedmont City Hall. A new application must be submitted every year on or before May 15.

Customer Information:

| | |
|--|--------------------------------|
| Name(s) of Customer(s) _____ | |
| Republic Services Account Number: _____ | |
| Address of Property _____ | Zip Code: _____ |
| Mailing Address of Property Owner(s) (if different from above) _____ | |
| _____ City, State, Zip Code: _____ | |
| Telephone Number _____ | Preferred Contact Method _____ |
| Mobile Number _____ | Email _____ |

Doctor’s Certification:*

| | | |
|---|-------------------|----------------|
| I, the undersigned, hereby certify that I am a licensed medical doctor authorized to practice in the State of California. | | |
| I further certify that _____ (name of the applicant) is my patient and that they have an ongoing physical disability that would prevent them from being able to wheel the carts curbside each week. | | |
| _____ | _____ | _____ |
| Date | Doctors Signature | License Number |
| _____ | _____ | _____ |
| | Print Name | Phone Number |
| | _____ | _____ |
| | Business Address | |

*Note: In lieu of having the Doctor’s Certification completed, you may instead attach a letter from your physician containing the same information as required.

Additional Information:

List of all occupants living on premises (Attach additional sheets if needed):

Name: _____ Age: _____

Name: _____ Age: _____

Name: _____ Age: _____

Name: _____ Age: _____

Describe the location of the trash cans: _____

By signing this form, I certify that I am the account holder and occupy the property listed above, that I have a physical limitation that does not allow me to move my waste, recycling and organics carts to the curb for service, and further, that there are no other occupants of the residence capable of moving the carts to the curb. I am providing documentation verifying my physical limitation that inhibits moving the carts to the curb. I understand that the medical certification must be renewed annually and that City may assess an administrative citation if I knowingly supply fraudulent information.

Signature: _____ Date: _____

Print Name: _____

FOR OFFICE USE ONLY:

Reviewer: _____

Date Reviewed: _____

Date Forwarded to RSS: _____

Decision: *Approved* *Denied*

If Denied, Reason:

- Insufficient proof of physical limitation.
- Able-bodied resident living on premise.
- Applicant's name does not match property owner's/account holders name.
- Other, explain:
