

1 CITY AND COUNTY OF SAN FRANCISCO
 2 DEPARTMENT OF PUBLIC WORKS
 3 PROTEST HEARING ON PROPOSED REFUSE RATES
 4 2013 REFUSE RATE APPLICATION
 5
 6 CITY HALL
 7 1 DR. CARLTON B. GOODLETT PLACE, ROOM 416
 8 SAN FRANCISCO, CA 94102
 9
 10 Friday, June 14, 2013
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 22 REPORTED BY: FREDDIE REPPOND
 23
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 Marvin Rous
 Mary Burns
 Josephine Zhao
 Martha Hubbard
 Irene Creps
 Courtney Clarkson
 Valerie Ng
 Johnny Schenone
 Ann Yun
 Two (2) unidentified speakers

1 Friday, June 14, 2013 1:02 p.m.
 2 P R O C E E D I N G S
 3 DIRECTOR NURU: Good afternoon. We will get
 4 started.
 5 My name is Mohammed Nuru and I am the Director
 6 of Public Works for the City and County of San
 7 Francisco.
 8 Today's hearing is to consider protests to the
 9 rate application filed by Recology companies pursuant to
 10 Article 13D of the California Constitution, commonly
 11 referred to as Proposition 218. Under Proposition 218,
 12 before the City may impose or increase a
 13 property-related charge, such as residential refuse
 14 rates, the City must mail written notice to all the
 15 ratepayers and hold a public hearing. At the hearing,
 16 the City must consider all protests against the rates.
 17 If more than half the ratepayers submit written protests
 18 by the close of the hearing, then the City shall not
 19 approve the rates.
 20 On April 26th of this year, 2013, the
 21 Department of Public Works adopted guidelines for this
 22 process as the DPW order No. 181,253. Copies of that
 23 order are available on the side table right over there.
 24 The first thing I'm going to do is to ask
 25 someone from the companies to confirm the content and

1 the mailing of the notices. Is someone from the company
 2 ready to do so?
 3 MR. BAKER: Good afternoon, Mr. Nuru. My name
 4 is Mike Baker. I'm the attorney for the applicants, the
 5 Recology companies.
 6 And I want to confirm that the companies took
 7 charge of the mailing of the notices of this hearing to
 8 those people in San Francisco who were entitled to
 9 notice, which were all property owners in the City and
 10 all residential customers in the City. There were --
 11 155,056 notices were sent out on April 29th, 2013.
 12 I don't know whether you want to have a copy
 13 of the notice put into the record. I imagine you have
 14 it already, don't you, Mr. Owen? So there's no need for
 15 me to put a copy of the notice in. And you also have a
 16 copy of a declaration signed by Paul F. Giusti, who is a
 17 company official, attesting to the mailing and the
 18 number and on the date I just indicated.
 19 MR. OWEN: Mr. Baker, do you have a copy of
 20 that declaration?
 21 MR. BAKER: I do. Would you like me to
 22 present it?
 23 MR. OWEN: Yes, please.
 24 MR. BAKER: And would you like it presented as
 25 an exhibit?

1 MR. OWEN: Just submit it for the record.
 2 MR. BAKER: So I submit the declaration. For
 3 the record it's dated June 11th, 2013, by Paul F.
 4 Giusti, attesting that the Prop 218 notice of this
 5 hearing on this date, June 14th, 2013, was mailed on
 6 April 29th, 2013, to 155,056 addresses in San Francisco.
 7 MR. OWEN: Thank you.
 8 MR. BAKER: Thank you.
 9 DIRECTOR NURU: Thank you very much.
 10 I will now ask Mr. Legg if he will please
 11 describe what additional steps the Department of Public
 12 Works took to publicize the notice of this hearing and
 13 the protest procedures.
 14 MR. LEGG: I'm Douglas Legg, manager of
 15 finance, budget and performance at the Department of
 16 Public Works; and have been the lead staff analyzing
 17 this rate application.
 18 DPW took the following steps with respect to
 19 the notice for today's Proposition 218 hearing. The
 20 notice was posted on DPW's Website in three languages,
 21 English, Chinese, and Spanish. And I have a screenshot
 22 to submit for the record of the refuse rate Web page
 23 with the protest rights listed and copies of the notice
 24 in three languages. We also created a link from the
 25 Ratepayer Advocate's Website to the hearing notice. And

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1 I have a screenshot of that, of the Ratepayer Advocate's
 2 home page. And, finally, we posted the protest
 3 guidelines on DPW's Web site in three languages. And
 4 those guidelines -- we also have copies of those
 5 guidelines, DPW Order No. 181,253.
 6 DIRECTOR NURU: Thank you.
 7 We have already received a number of written
 8 protests. Does anyone in the audience have a written
 9 protest that they would wish to submit at this time?
 10 (A number of hands were raised.)
 11 DIRECTOR NURU: Thank you. So while we count
 12 this batch of protests, I will go ahead and move us into
 13 public comment. So that means I will now take public
 14 comment. Could everyone wishing to speak please give me
 15 a show of hands so I can allow time for each person to
 16 speak?
 17 Okay. So I will allow each person two minutes
 18 for public comment. When you come forward, please state
 19 your full name so that the court reporter can enter it
 20 into the record. Thank you.
 21 Let's proceed with the first speaker. Do I
 22 have speaker cards? Go ahead.
 23 MR. ROUS: My name is Marvin Rous, R-o-u-s.
 24 And the first thing I want to say is about the
 25 notice. I am the only one of all of my friends that

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1 owns property that actually read this notice. Look at
 2 the font on this. Most of my friends, when they
 3 received this, threw it right in the garbage. Nobody
 4 read it. It's insufficient notice, a Fourth Amendment
 5 violation.
 6 It's really not fair. Who in the world knows
 7 what Prop 218 is? Not the average homeowner. So that's
 8 just one thing.
 9 The other thing is I'm a senior. I retired on
 10 disability. I can't work. My Social Security
 11 cost-of-living increases in the last four years have
 12 been a little over one percent, zero percent, zero
 13 percent, and three percent. And next year Obama wants
 14 to change the method of calculation so it will get even
 15 lower. We can't afford a 21.5-percent increase. It's
 16 unconscionable.
 17 We do their work for them so that they can
 18 make money. I have no problem with doing it. But I
 19 don't think I should have pay 21.5 percent more money to
 20 do their work for them. We should be getting a rate
 21 reduction. They're making money off of us. It's a
 22 private company. If they need money, they should go out
 23 and raise money like any other private company does.
 24 You either borrow it or you sell stock. That's what you
 25 do. You don't do this off the backs of your customers.

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1 And if you look around the room, look at all
 2 the seniors here. Where do you think they're going to
 3 get the money to pay for this? They're going to pass it
 4 on to tenants, if they have them. Where are the tenants
 5 going to get the money? This city has a very high
 6 unemployment rate, which I know of because my son has
 7 trouble getting work. So I know what the story is. And
 8 this is really unconscionable.
 9 And when they asked for the monopoly, the
 10 notices asking for the monopoly didn't look like this.
 11 They were gigantic billboards and humongous mailings.
 12 And not one of those notices that was supported by
 13 everyone in City Hall ever said anything about a
 14 potential rate increase that was going to be asked for a
 15 month after they got the monopoly. This is wholly
 16 unfair. And, really, you should be here for us, not for
 17 Recology.
 18 Thank you.
 19 DIRECTOR NURU: Next speaker, please.
 20 MS. BURNS: My name is Mary Burns. I live in
 21 the West Portal neighborhood in District 7.
 22 I'm here to register my protest of these
 23 proposed rates. Both programs -- the abandoned
 24 materials collection program and the public litter can
 25 maintenance program -- violate the State Constitution

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1 Article 13 D, Section 6, by requiring property owner
 2 ratepayers alone to pay for a municipal service
 3 available to any individual organization in the city and
 4 benefiting all residents and visitors to the city.
 5 In addition, this change would substantially
 6 increase costs over the amount currently spent by the
 7 DPW for these services, without adequate justification.
 8 DPW's own comments on the proposed changes admit that
 9 the annual program costs will increase by approximately
 10 half a million dollars a year over the current cost.
 11 One particular item included in the Recology
 12 rate application states that the proposed service,
 13 quote, would also include supports for events identified
 14 by the City, including selected parades, festivals, and
 15 holidays. The California Constitution Article 13D
 16 explicitly states, quote, The amount of a fee or charge
 17 imposed upon any person or parcel as an incident of
 18 property ownership shall not exceed the proportional
 19 cost of the service attributed to the parcel.
 20 It goes on to state, "No fee or charge may be
 21 imposed for general governmental service including but
 22 not limited to police, fire, ambulance, or library
 23 services where the service is available to the public at
 24 large in substantially the same manner as it is to the
 25 property owners."

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1 So all of these services, especially cleanup
 2 after parades, benefit the general public and not the
 3 property owners specifically or exclusively and should
 4 continue to be funded from the City's budget, presumably
 5 through general funds. If the City wants to contract
 6 with Recology, it should be paid for by the City, not
 7 the ratepayers.
 8 Thank you.
 9 DIRECTOR NURU: Thank you. Next speaker,
 10 please.
 11 MS. ZHAO: My name is Josephine Zhao. I am
 12 from asianamericanvoters.org. I represent a thousand
 13 Asian American residents in the City. And may I call
 14 for their -- opposed, they all say. Thank you.
 15 We have collected 1,400 signatures in a mere
 16 one month. There is not enough time. There's no
 17 Chinese outreach in the Chinese newspaper or radio
 18 station. It just went by word of mouth. We have
 19 collected signatures not just from the property owners,
 20 but also residents, renters in the home at different
 21 buildings as well. We just didn't have any enough time.
 22 Otherwise you would see this building all swarmed with
 23 people.
 24 The rate increase is unjust. First of all, it
 25 says it takes over certain City responsibility for

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1 collecting refuse left on the streets and sidewalks.
 2 That means just tax we already pay for. Why do we have
 3 to pay for it again?
 4 And the rate increase is ridiculous. It's
 5 gone from about \$20 for a single-family home to about
 6 \$34. You didn't talk about -- the 21-percent rate
 7 increase didn't include a \$2 increase on the blue bin
 8 and a \$2 increase on the green bin; and then the \$5
 9 fixed charge. So that's \$34 for a single-family home.
 10 That's more than a 50-percent rate increase. That's
 11 about 75 percent.
 12 How can we handle this? While on one hand,
 13 it's very difficult to raise rent on fixed income
 14 families, seniors cannot handle it. On the other hand,
 15 you can't pass it through easily to everybody in the
 16 building. But even if you could, everybody is going to
 17 pay for what the City should have done.
 18 Thank you.
 19 DIRECTOR NURU: Thank you.
 20 Next speaker, please.
 21 MS. HUBBARD: My name is Martha Hubbard. And
 22 like just about everybody in the room, I'm a senior
 23 citizen living on Social Security.
 24 And for me this increase represents a
 25 tremendous amount of money. For most of you that are

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1 still working or for some people in better
 2 circumstances, \$6.60 only represents a cup of coffee.
 3 For me, \$6.60 represents a copayment for one of my
 4 medications. I definitely cannot afford that. I'm sure
 5 that there must be some way that a citizen can be spared
 6 that. I don't qualify for any help because,
 7 quote/unquote, the government considers that \$24,000 a
 8 year is above the poverty line. In San Francisco it is
 9 not. We barely have enough to cover our daily expenses.
 10 So please reconsider this increase.
 11 Thank you.
 12 DIRECTOR NURU: Thank you.
 13 UNIDENTIFIED SPEAKER: This is my written
 14 protest against the proposed changes in residential
 15 refuse collection and disposal rates.
 16 Initially, my understanding of the original
 17 residential refuse collection and disposal rates would
 18 not change. The cost of collecting, processing, and
 19 disposing of refuse from residential customers and
 20 Recology was a reasonable return on its investment.
 21 However, we must not forget the extra assistance needed
 22 and provided by the residents. That includes the young,
 23 seniors -- some living alone and are handicapped doing
 24 their best to wield those monstrous containers to the
 25 curb for pick up by the driver every week, which were

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1 not included.
 2 And yet the proposition has failed to mention
 3 the act by residents of separating the refuse into three
 4 different containers and its cost for paper bags, et
 5 cetera, to put it in the containers needed to place for
 6 disposal. What about all those items done by the
 7 residents that are not included in your request for an
 8 increase -- or should I say should be a decrease in our
 9 fees for us?
 10 In closing, I would like to mention, if you
 11 don't know by now where a lot of the return on Recology
 12 investments go, you need to do something about those
 13 very bold people who come on your property and take
 14 items from these three containers and make money doing
 15 their own recycling for their personal pocket without
 16 the residents' consent. I call it invasion of my
 17 privacy or a form of theft. And I do not like it.
 18 Something should be done about securing, ticketing, or
 19 whatever is needed to stop the pro-actors. I would plea
 20 for these plastic and glass bottles include the drink
 21 contained within them by vendors.
 22 Another thing. I was told that this practice
 23 is against the law. Please advise. Thank you very
 24 much.
 25 DIRECTOR NURU: Thank you.

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1 Next speaker, please.
 2 MS. CREPS: My name is Irene Creps. I'm at
 3 883 Urbano Drive in San Francisco, Ingleside.
 4 Recology says the rates need to increase
 5 because they are losing revenues as customers switch to
 6 smaller and cheaper black bins. A more complete
 7 explanation for Recology's need to increase the rates
 8 comes from Recology's plan to transport and deposit San
 9 Francisco's decreasing black-bin waste from the closer
 10 Altamont site in the Intercoastal Range to their own
 11 more distant landfill in Yuba County, the Ostrum Road
 12 landfill near Wheatland, which is two to five times as
 13 far as our waste is presently being transported.
 14 According to the Yuba County Planning
 15 Department notice of preparation of draft environmental
 16 impact report, Recology proposes to transport San
 17 Francisco's waste to the Ostrum Road landfill by a
 18 combination of truck and train. That necessitates the
 19 following construction: One, improvement of the San
 20 Francisco center; two, the construction of a Union
 21 Pacific Oakland rail yard for transferring waste from
 22 trucks to railcars; three, construction of 4.6 miles of
 23 railroad to Ostrum Road landfill, because Beale Air
 24 Force Base has refused today to give Recology permission
 25 to use their 2.8 miles of existing rail spur track. I

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1 think I have enclosed the Air Force letter to you
 2 previously; and, four, construction of an unloading
 3 facility at the Ostrum Road landfill.
 4 Now, how expensive is all of this new
 5 construction? Thus, Recology is not only losing revenue
 6 from smaller and cheaper black bins, but Recology is
 7 greatly increasing its expenses by transporting less San
 8 Francisco waste to the faraway Ostrum Road landfill by
 9 rail.
 10 To make matters more confusing, page 3 of the
 11 March 29, 2013, notice of preparation states: However,
 12 under this proposal San Francisco Recology would have
 13 the option to transport the waste by truck alone or to
 14 dispose of some or all of their waste at the Recology
 15 Hay Road landfill in Solano County.
 16 So Recology has the option to bypass all these
 17 expenses to the Ostrum Road landfill and to take San
 18 Francisco decreasing black bin waste to their own closer
 19 landfill near Vacaville by truck.
 20 I am not opposed to a rate increase by
 21 Recology if it is necessary and environmentally sound.
 22 I am opposed to a 21.5-percent rate increase to take our
 23 decreasing trash to a faraway Sacramento Valley landfill
 24 beside walnut orchards over high water tables and with
 25 high transportation expenses.

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1 My daughter's graduation had a speaker who
 2 said some simple thought: No society has ever endured
 3 that destroys its topsoil.
 4 I would like to present to you -- you don't
 5 show pictures here, do you? You can't show pictures?
 6 DIRECTOR NURU: You may use the overhead, but
 7 I will remind you that your two minutes is up.
 8 MS. CREPS: Here's the Ostrum Road landfill.
 9 You see it somewhat here in this part. It was a local
 10 landfill, probably never should have been approved in
 11 the first place. But Yuba County is one of the poorest
 12 counties in California.
 13 Here's a walnut orchard. See the walnut
 14 orchard right there? This is a creek coming out of the
 15 foothills of the northern Sierra Nevada Mountains, where
 16 there's 40 inches of rainfall every year, plus. Now,
 17 this is -- walnuts is a good crop, one of the biggest
 18 walnut orchards in the world is in the southern and Yuba
 19 areas. This is the landfill near Livermore. It's in
 20 the Intercoastal Range. There's no high water table.
 21 There's no farm ground.
 22 Why would a City like San Francisco, who
 23 prides itself on being green and an example to the rest
 24 of the country? Why do we want bring our nonrecyclable
 25 trash to the Sacramento Valley? If you drive to

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1 Sacramento, you see where farm ground was near the
2 Sacramento River. It took millions of years for that
3 river to produce the Sacramento Valley. And they've
4 got -- you can destroy farm ground by paving over it or
5 by dumping on it.
6 DIRECTOR NURU: Thank you very much.
7 Next speaker, please.
8 Again, I do want to remind the audience that
9 it's a two-minute speaking time. So please try to do
10 your best to get your message within that two minutes.
11 MS. CLARKSON: My name is Courtney Clarkson.
12 And I own two small apartment buildings in San
13 Francisco. One of the buildings is four studios and a
14 one bedroom. The other is six small one bedrooms, and a
15 house keeping unit.
16 Now, I don't think it is at all fair and
17 equitable that there be, among other things, a
18 five-dollar-per-unit charge; doesn't matter the size of
19 the unit. I have originally never had more than one
20 person in these apartments, because they're not that
21 big. And to have the same rate increase as a
22 four-bedroom flat with maybe eight people living in it?
23 I mean I think that's not at equitable. That's one of
24 the things that really needs work.
25 My garbage costs will go up by 50 percent on

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1 one of the buildings. I have been recycling for
2 probably 40 years or so. And I have been composting as
3 long as I can. I personally -- my husband and I
4 generate virtually no garbage. So I'm a little
5 obsessive about these things. And with my tenants I try
6 and get them to do the same and I am reasonably
7 successful. But I feel that, especially with the green
8 waste, why are you charging two dollars a can? I mean
9 that's pretty much just pure profit, since most of this
10 is the result of the soil generated and sold for a
11 profit. It just seems like we get nicked-and-dimed
12 constantly. It's either property, it's vector control;
13 it's more costs from every angle.
14 And I especially think that the size of the
15 units being five dollars times number of units, doesn't
16 matter how big and how many people, is really not
17 equitable.
18 Thank you.
19 DIRECTOR NURU: Thank you very much.
20 Next speaker, please.
21 MS. NG: Good afternoon. My name is Valerie
22 Ng. My address is 2636 Bush Street. I already handed
23 in a written protest to the appropriate office.
24 And I just want to -- I'm not against raising
25 the blue-bin and the green-bin rates, because it was

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1 free and they have to do that to relocate the recyclable
2 materials of the composting. But they can also find a
3 solution to prevent people from blatantly going through
4 those bins. I go out when I see them. They look at me
5 like they want to beat me up, so I'm not going to risk
6 my life trying to protect the recyclables and the
7 compost.
8 My objection is to the flat rate of the bins,
9 because for years I have lived in San Francisco as a
10 student and as a naturalized citizen for 40 years. And
11 my husband and I have been very conscientious about
12 producing as little garbage as we can. And we travel a
13 lot for our work. Basically we don't live in San
14 Francisco for three months out of the year. So every
15 week my trash bin is less than one-third filled. So for
16 the rate of that increase, it is not quite fair for
17 those of us who try very hard to produce as little waste
18 as possible. And our recyclable and compost is
19 basically full.
20 So I read that -- and I voted for Recology.
21 And I want to know if they can have city-wide that trash
22 collection of small amounts could be once every two or
23 three weeks. I read that it is being tested out in
24 certain districts in San Francisco. But hopefully they
25 can do that, because otherwise being environmentally

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1 conscientious I'm being punished. Okay.
2 And if there are ways they can have to prevent
3 people from pilfering the recyclable materials, I'm all
4 for it.
5 Thank you very much.
6 DIRECTOR NURU: Thank you. Next speaker,
7 please. Calling on anybody who would like to speak. If
8 we do not --
9 MR. SCHENONE: I'd like to speak for the
10 record. I am against this rate increase. I don't know
11 how you can justify an over 7-percent rate increase in a
12 less than a 1-percent world. Okay. And they ought to
13 make it citywide where they pick up and they charge you
14 for what they pick up. Because personally I'm tired of
15 paying for garbage to be taken away that does not exist,
16 like paying a paring meter when you don't have a car at
17 the meter. That's bullshit.
18 Okay. So there you have it. Thank you for
19 your time.
20 Yeah, my name is Johnny Schenone.
21 DIRECTOR NURU: Thank you.
22 Any other speakers?
23 UNIDENTIFIED SPEAKER: Right now the garbage
24 company want to raise the price of the garbage fee. And
25 each container of the garbage still is safe. And

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1 usually our family -- or every family -- every week the
 2 garbage can is not full. If there are more garbage, it
 3 is reasonable to raise the price. Right now the economy
 4 is not so good. Everybody suffer. Now, we should think
 5 about another way to reduce the price, not only the
 6 homeowner, whatever give more.
 7 That's it. Thank you.
 8 DIRECTOR NURU: Thank you very much.
 9 Anyone else like to speak?
 10 MS. YUN: Hello. I am Ann Yun. The address
 11 is 629 Jefferson Street.
 12 I've been on rent control so long. Some years
 13 the lease is 0.5 per cent. You can't make any money.
 14 And the rent is \$150 per month. I cannot pay a higher
 15 bill because I have to pay fire insurance, property tax
 16 every year, two percent. Water bill included. The
 17 people live there for over nearly 40 years. They're not
 18 going to move, you know. So I have to pay everything.
 19 So I can't make money now. Every year I lose money. So
 20 I hope that you don't raise anything for garbage bill or
 21 anything.
 22 That's the only thing I present. I am
 23 handicapped. I cannot look for a job. I can't make
 24 money. I hope everybody understands the situation.
 25 Thank you very much. The rent control is not

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1 fair in San Francisco. The rent control is so long, and
 2 the lessor can only lease 1.9 percent. One dollar and
 3 ninety cents. Everybody should know it's not good to be
 4 a building owner in San Francisco. Very hard for the
 5 owner right now.
 6 Thank you very much. That's it.
 7 DIRECTOR NURU: Thank you.
 8 Any other speakers? If we don't have other
 9 speakers, I will close public comment at this time.
 10 Under the rules for this hearing, if a raw
 11 count of the written protests shows that the number
 12 received is clearly fewer than one-half of the
 13 ratepayers, I may conclude the hearing without reviewing
 14 whether all of the protests were in fact valid. In this
 15 case the number of ratepayers is the number of
 16 Recology's residential refuse rate collection accounts,
 17 or approximately 144,000. Half of that number is
 18 72,000.
 19 I will now ask the clerk for the number of --
 20 So our count is not yet complete, so we will
 21 take a recess for -- I will say we'll go to 2:00
 22 o'clock. And we'll resume the hearing when we do have a
 23 count at that time.
 24 UNIDENTIFIED SPEAKER: Where do you submit the
 25 written protests?

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1 DIRECTOR NURU: Right here. We were receiving
 2 them at the beginning of the hearing.
 3 UNIDENTIFIED SPEAKER: The reason I'm asking
 4 the question, is if there's less than half, can this
 5 thing still be defeated? Or is it mandatory that it
 6 passes, if it's less than half?
 7 DIRECTOR NURU: The way I understand it is we
 8 need to have more than 72,000 for it to be defeated.
 9 However, the process continues. Remember, this is the
 10 Director's Hearing. I move my recommendations to the
 11 Rate Board, and there's a whole public process at the
 12 Rate Board.
 13 UNIDENTIFIED SPEAKER: Will they then send out
 14 notices?
 15 DIRECTOR NURU: Not as they did with
 16 Proposition 218. This is part of the process where
 17 every household account that Recology has an account
 18 with, the 144,000 who were sent notices. And so the
 19 protest has to be more than 50 percent for us to stop
 20 those hearings. And we will hear from our clerk after
 21 we recess what the count is. But that does not conclude
 22 the hearing for the rate process. It moves from the
 23 Director to the Rate Board.
 24 MR. OWEN: At this point we're going to ask
 25 one more time if anybody has a written protest to

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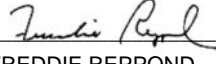
1 submit. If you don't submit it now, then we're not
 2 going to be able to count it.
 3 MS. CREPS: May I ask a question?
 4 DIRECTOR NURU: Yes, you may.
 5 MS. CREPS: Has any proposal ever been stopped
 6 on the basis of a 50-percent approval or disapproval?
 7 DIRECTOR NURU: Not to my knowledge.
 8 MS. CREPS: Then isn't this criteria
 9 impossible to reach?
 10 DIRECTOR NURU: Well, it is the way the
 11 process is described as in the ordinance when the
 12 ordinance was written.
 13 MR. OWEN: The 50-percent standard is part of
 14 the California Constitution, as adopted by the voters.
 15 MS. CREPS: Well, it benefits the company, or
 16 the corporation. It doesn't benefit the individual
 17 citizens of San Francisco.
 18 DIRECTOR NURU: At this time we will take a
 19 recess so that we can count. And we will resume the
 20 hearing at 2:00 o'clock. Thank you.
 21 (A recess was taken from 1:39 to
 22 2:00 p.m.)
 23 DIRECTOR NURU: Thank you all for coming back.
 24 We will resume our Prop 218 hearing.
 25 At this time I will ask the clerk for the

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1 number of written protests received, including those
 2 just submitted, and without considering whether the
 3 protests met all the requirements set out in the DPW
 4 Order 181,253.
 5 Mr. Clerk, will you please read the number of
 6 protests.
 7 DPW CLERK: The City has received a total of
 8 3,045 written protests, including those turned in at
 9 today's hearing.
 10 Thank you.
 11 DIRECTOR NURU: Would you repeat that number
 12 again?
 13 DPW CLERK: 3,045.
 14 DIRECTOR NURU: 3,045 written protests have
 15 been received by the City. And so the number is
 16 definitely way below 72,000.
 17 And because the raw number of written protests
 18 is clearly below the required 50 percent, I will now
 19 conclude that the majority protest has failed. We will
 20 take no further action to review the validity of each
 21 protest.
 22 While this concludes the Proposition 218
 23 hearing, I would note that under the provisions of the
 24 1932 ordinance governing refuse rates, objections to my
 25 recommendation order may be filed with the Rate Board.

1 The deadline is Monday, June 24, 2013. You can find
 2 rules for an appeal in the DPW Order 181,252. Copies of
 3 the order are available on the side table over there.
 4 This will conclude the hearing and our hearing
 5 is now adjourned. Thank you.
 6 (The protest hearing was concluded
 7 at 2:03 p.m.)
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1 CERTIFICATE OF REPORTER
 2
 3 I, FREDDIE REPPOND, a duly authorized Shorthand
 4 Reporter and licensed Notary Public, do hereby certify
 5 that on the date indicated herein that the above
 6 proceedings were taken down by me in stenotype and
 7 thereafter transcribed into typewriting and that this
 8 transcript is a true record of the said proceedings.
 9 IN WITNESS WHEREOF I have hereunto set my hand on
 10 this 17th day of July, 2013.

11 
 12
 13 FREDDIE REPPOND



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