

ORDINANCE NUMBER O- 19920 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 08 2010

AN ORDINANCE OF THE CITY OF SAN DIEGO APPROVING THE TRANSFER OF A FACILITY FRANCHISE FOR THE SYCAMORE CANYON LANDFILL IN CONNECTION WITH THE MERGER OF ALLIED WASTE INDUSTRIES, INC. AND REPUBLIC SERVICES, INC., AND AUTHORIZING THE EXECUTION OF A CONSENT TO THE ASSIGNMENT OF THE FRANCHISE.

WHEREAS, by Ordinance No. O-18668, adopted on August 2, 1999, the City Council granted a non-exclusive solid waste facility franchise to San Diego Landfill Systems, Inc., identified as a subsidiary of Allied Waste Industries, Inc. [Allied], for the Sycamore Canyon Landfill [Franchise] and approved the execution of the Facility Franchise Agreement between the City of San Diego and San Diego Landfill Systems, Inc., which was subsequently amended [Agreement]; and

WHEREAS, in 2005, Allied established a fully-owned subsidiary known as San Diego Landfill Systems, LLC, a California limited liability company, to own Sycamore Landfill, Inc., which in turn owns the Sycamore Canyon Landfill; and

WHEREAS, Allied, the former ultimate parent company of San Diego Landfill Systems, Inc. and San Diego Landfill Systems, LLC, has merged with Republic Services, Inc. [Republic], effective December 5, 2008, as a result of which Allied has become a fully-owned subsidiary of Republic, which also is now the ultimate parent company of San Diego Landfill Systems, LLC and all other Allied subsidiaries; and

WHEREAS, the parties wish to transfer the Franchise and assign the Agreement, as amended, to the new entity; and

WHEREAS, on October 7, 2009, the Natural Resources & Culture Committee recommended approval of the transfer and assignment; and

WHEREAS, the transfer and assignment are in the best interests of the City; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Council approves the transfer of the Franchise to San Diego Landfill Systems, LLC.

Section 2. That the Mayor or his designee is authorized to execute, for and on behalf of the City, a consent to the assignment of the Agreement, as amended, under the terms and conditions set forth in the Consent to Assignment of Facility Franchise Agreement Between the City of San Diego and San Diego Landfill Systems, Inc. for the Sycamore Canyon Landfill to San Diego Landfill Systems, LLC on file with the City Clerk as Document No. OO-

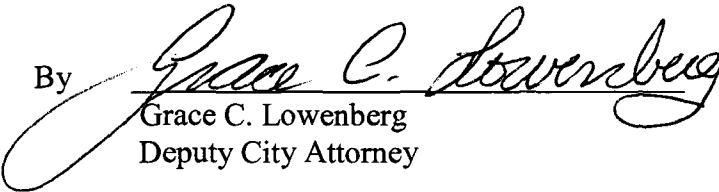
**19920**.

Section 3. That a full reading of this ordinance is dispensed with prior to its passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney


By

  
Grace C. Lowenberg  
Deputy City Attorney

GCLmb  
11/20/09  
Or.Dept:ESD  
O-2010-46

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego,  
at its meeting of JAN 5 2010.

ELIZABETH S. MALAND, City Clerk

By   
Deputy City Clerk

Approved: 1-8-10  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor