

RESOLUTION NUMBER R- 307834

DATE OF FINAL PASSAGE NOV 19 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING CHANGES IN THE AB 939  
RECYCLING FEE

WHEREAS, in May 2009 by Resolution No. R-304849, the Council approved an increase in the City's AB 939 Recycling Fee from \$7.00 per ton to \$10.00 per ton on all waste generated in the City of San Diego or disposed of at the Miramar Landfill effective July 1, 2009; and

WHEREAS, in order to maximize recycling, extend the useful life of the Miramar Landfill, support the Environmental Services Department's Long-Term Resource Management Options Strategic Plan, and maintain the health of the Recycling Enterprise Fund, the Environmental Services Department proposes to modify the AB 939 Recycling Fee, as more fully described in Report to the City Council No. 12-104, subject to Council approval; and

WHEREAS, this item was heard at the Natural Resources & Culture Committee on September 19, 2012 and was forwarded to the City Council for consideration;

WHEREAS, in accordance with Administrative Regulation 95.35 §5.1(d) and Government Code section 66016, ten days' notice to the public of the City's intention to modify this fee was given by publication in the *San Diego Daily Transcript* and fourteen days' notice was mailed to interested parties; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City's AB 939 Recycling Fee is modified to apply only to all solid waste generated in the City that is disposed, regardless of the location of the disposal site, and to all solid waste disposed of at the Miramar Landfill, regardless of the location of origin of the solid waste, effective January 1, 2013.

BE IT FURTHER RESOLVED, that an automatic, annual rate adjustment to the AB 939 Recycling Fee is approved, to be calculated based on the annual change in the Consumer Price Index (CPI) rounded up to the nearest \$1.00, pursuant to the same formula set forth in Report to the City Council No. 12-104 for Weighed Load Disposal Fees, and to be applied each July 1 effective beginning July 1, 2015.

BE IT FURTHER RESOLVED, that the AB 939 Recycling Fee increase is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15273(a)(1) and 15273(a)(2) because it is for the purpose of meeting operating expenses and purchasing or leasing supplies, equipment or materials, respectively.

APPROVED: JAN I. GOLDSMITH, City Attorney

By *Grace C. Lowenberg*  
Grace C. Lowenberg  
Deputy City Attorney

GCL:mb  
10/24/12  
11/15/12 Corr.  
Or.Dept:ESD  
Doc.No:434001

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of NOV 13 2012.

ELIZABETH S. MALAND, City Clerk

By *Mary Zumaya*  
Deputy City Clerk

Approved: 11-19-12  
(date)

*Jerry Sanders*  
JERRY SANDERS, Mayor

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

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JERRY SANDERS, Mayor