

RESOLUTION NUMBER R- 310705

DATE OF FINAL PASSAGE OCT 13 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING CHANGES TO THE COLLECTION
OF THE AB 939 RECYCLING FEE AND APPLICATION OF
AN AUTOMATIC RATE ADJUSTMENT.

WHEREAS, by Resolutions Nos. R-290385 and R-304849, adopted on June 29, 1998 and May 4, 2009, respectively, the City Council approved the collection of a per ton recycling fee in accordance with the California Integrated Waste Management Act of 1989 and San Diego Municipal Code section 66.0134 (AB 939 Recycling Fee); and

WHEREAS, by Resolutions Nos. R-290385 and R-304849, the City Council authorized the collection of the AB 939 Recycling Fee on all waste generated in the City of San Diego (City) or disposed of at the Miramar Landfill; and

WHEREAS, by Resolution No. R-307834, adopted on November 19, 2012, the City Council: (i) amended the collection of the AB 939 Recycling Fee to be limited to all solid waste generated in the City that is disposed, regardless of the location of the disposal site, in addition to all solid waste disposed of at the Miramar Landfill, effective January 1, 2013; and (ii) applied an automatic, annual rate adjustment to the AB 939 Recycling Fee, to be applied each July 1, effective July 1, 2015; and

WHEREAS, as recycling and waste diversion tonnages increase, the City's AB 939 Recycling Fee revenues decrease because the fee, in part, currently applies to all solid waste generated in the City that is disposed; and

WHEREAS, in order to stabilize AB 939 Recycling Fee revenues and provide funding for implementation of the City's Zero Waste Plan, the Environmental Services Department

proposes: (i) to modify the AB 939 Recycling Fee from applying it to all solid waste generated in the City that is disposed, to all solid waste generated in the City; and (ii) to apply an automatic, annual rate adjustment to the modified AB 939 Recycling Fees; and

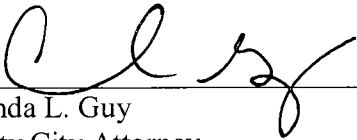
WHEREAS, the Environment Committee heard this item on March 17, 2016, and recommended that the City Council approve these changes to the AB 939 Recycling Fee; and

WHEREAS, in accordance with Administrative Regulation 95.25 §5.1(d), ten days' notice to the public of the City's intention to modify this fee was given by public 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 to all solid waste generated in the City, effective July 1, 2017, to replace the AB 939 Recycling Fee currently applied on all solid waste generated in the City that is disposed, regardless of the location of the disposal site. As authorized by Resolution R-307834, dated November 19, 2012, the AB 939 Recycling Fee applied to all solid waste disposed of at the Miramar Landfill shall remain in effect.

BE IT FURTHER RESOLVED, that an automatic, annual rate adjustment to the modified AB 939 Recycling Fees 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 formula set forth in Report to the City Council No. 16-024, and to be applied each July 1, effective beginning July 1, 2018. As authorized by Resolution R-307834, dated November 19, 2012, the automatic, annual CPI rate adjustment for the AB 939 Recycling Fees applied to all solid waste disposed of at the Miramar Landfill shall remain in effect.

APPROVED: JAN I. GOLDSMITH, City Attorney

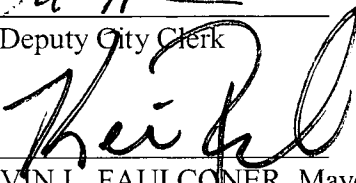
By 
Amanda L. Guy
Deputy City Attorney

ALG:js
9/16/2016
Or.Dept: ESD
Doc. No. 1351399

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 04 2016

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk


KEVIN L. FAULCONER, Mayor

Approved: 10/12/16
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on OCT 04 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 13 2016.

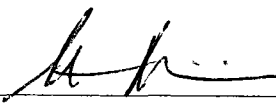
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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