

ORDINANCE NUMBER O- 20999 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 26 2018

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF AMENDMENTS TO THE NON-EXCLUSIVE SOLID WASTE MANAGEMENT FRANCHISE AGREEMENTS FOR SOLID WASTE COLLECTION SERVICES PROVIDED IN THE CITY BY PRIVATE FRANCHISED HAULERS AND APPROVAL OF INCREASES TO FRANCHISE FEES PAYABLE TO THE CITY.

WHEREAS, in September 2000, a two-tier Non-Exclusive Solid Waste Collection Franchise system was established to reflect the difference in market share served by the franchised haulers; and

WHEREAS, Class II franchises have been granted to EDCO Disposal Corporation, Republic Services, and Waste Management, Inc. (and their affiliates), and several Class I franchises have been granted for hauling of the remaining commercial waste as listed on Exhibit A); and

WHEREAS, fees for the franchises are set by resolution, and fees for Class I franchises are currently \$15 per ton, and fees for Class II franchises are \$16 per ton; and

WHEREAS, the franchise fees were last increased in 2009 and solid waste market conditions and environmental and regulatory conditions have changed in the intervening period, warranting adjustments to fees to be set by resolution and to provisions of the agreements relating to term and termination, waste diversion, facilities for waste diversion, recycling credits, and alternative fueled vehicles; and

WHEREAS, the City and its franchised commercial solid waste haulers desire to amend the non-exclusive franchise agreements at this time to modify provisions of the agreements

relating to term and termination; waste diversion requirements, facilities for waste diversion; third party recycling credits; and use of alternative fueled vehicles; and

WHEREAS, under Charter section 103, no franchise or extension thereof may be authorized except by Ordinance approved by a two-thirds majority vote of the City Council;

NOW, THEREFORE,

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

Section 1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, Tenth Amendments to the Class I Non-Exclusive Franchise Agreements for Solid Waste Management Services with the Class I franchisees listed on the attached Exhibit A, under the terms and conditions set forth in the Tenth Amendment on file in the Office of the City Clerk as Document No. OO- **20999-1**

Section 2. That the Mayor or his designee is authorized to execute, for and on behalf of the City, Ninth Amendments to the Class II Non-Exclusive Franchise Agreements for Solid Waste Management Services with the Class II franchisees listed on the attached Exhibit A, (except for EDCO Disposal Corporation dba Daily Disposal Services, Inc.), under the terms and conditions set forth in the Ninth Amendment on file in the Office of the City Clerk as Document No. OO- **20999-2**

Section 3. That the Mayor or his designee is authorized to execute, for and on behalf of the City, an Eighth Amendment to the Class II Non-Exclusive Franchise Agreement for Solid Waste Management Services with EDCO Disposal Corporation dba Daily Disposal Services, Inc., under the terms and conditions set forth in the Eighth Amendment on file in the Office of the City Clerk as Document No. OO- **20999-3**

Section 4. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By Frederick M. Ortlieb
Frederick M. Ortlieb
Senior Deputy City Attorney

FMO:cw
09/25/2018
Or.Dept: Environmental Services Department
CC No.: N/A
Doc. No.: 1844067

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 23 2018.

ELIZABETH S. MALAND
City Clerk

By Linda Irwin
Deputy City Clerk

Approved: 10/26/18
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

CITY OF SAN DIEGO
NON-EXCLUSIVE SOLID WASTE COLLECTION FRANCHISEES

CLASS I FRANCHISEES

Allan Company
Debris Box
Dependable Disposal & Recycling
Diamond Solid Waste Services, LLC
John Smith Earthworks, Inc.
Ware Disposal Co., Inc.

CLASS II FRANCHISEES

EDCO Disposal Corporation

- Daily Disposal Service
- EDCO Disposal Corporation
- EDCO Waste & Recycling Services, Inc
- Express Waste & Recycling
- Sani-Tainer, Inc.
- Webco Sanitation

Republic Services (Allied)

- Republic Services (Allied)
- Tayman Industries

Waste Management of San Diego

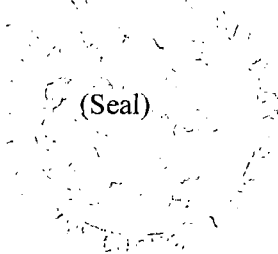
- Coast Waste Management, Inc.
- Moor Refuse, Inc.
- USA Waste of California, Inc.
- Waste Management of San Diego

Passed by the Council of The City of San Diego on OCT 23 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 26 2018

AUTHENTICATED BY:



(Seal)

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

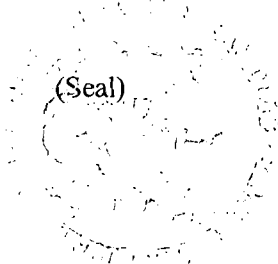
ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 08 2018, and on OCT 26 2018.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.



(Seal)

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

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20999</u>