

#526  
10/27/2020  
(O-2021-42)

ORDINANCE NUMBER O- 21253 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 30 2020

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF THE EIGHTH AND NINTH AMENDMENTS TO THE CLASS II NON-EXCLUSIVE FRANCHISE AGREEMENTS FOR SOLID WASTE MANAGEMENT SERVICES WITH USA WASTE OF CALIFORNIA, INC., DBA BDC SPECIAL WASTE SERVICES; USA WASTE OF CALIFORNIA, INC., DBA EMERALD WASTE AND RECOVERY; AND USA WASTE OF CALIFORNIA, INC., DBA RELIABLE WASTE.

WHEREAS, by Ordinance No. O-20843-2, adopted on July 25, 2017, the City Council authorized the execution of the eighth amendments to the Class II Non-Exclusive Franchise Agreements for Solid Waste Management Services within the City; and

WHEREAS, by Ordinance No. O-20999-2, adopted on October 26, 2018, the City Council authorized the execution of the ninth amendments to the Class II Non-Exclusive Franchise Agreements for Solid Waste Management Services within the City; and

WHEREAS, the parties became aware of a discrepancy in the name of the legal entity that holds the BDC Special Waste Services Franchise (BDC Franchise), and the City determined that a Franchise Transfer is necessary to correct that discrepancy; and

WHEREAS, the Class II Non-Exclusive Franchise Agreement for Solid Waste Management Services with BDC Special Waste Services has been amended seven times; and

WHEREAS, contingent upon the City Council approving the transfer and consent to assignment of the BDC Franchise from Waste Management Inc., dba BDC Special Waste Services to USA Waste of California, Inc., dba BDC Special Waste Services, the City desires to execute the eighth and ninth amendments to the Class II Non-Exclusive Franchise Agreement for

Solid Waste Management Services with USA Waste of California, Inc., dba BDC Special Waste Services, effective July 1, 2017; and

WHEREAS, the parties became aware of a discrepancy in the name of the legal entity that holds the Emerald Waste and Recovery, Inc. Franchise (Emerald Franchise), and the City determined that a Franchise Transfer is necessary to correct that discrepancy; and

WHEREAS, the Class II Non-Exclusive Franchise Agreement for Solid Waste Management Services with Emerald Waste and Recovery, Inc. has been amended seven times; and

WHEREAS, contingent upon the City Council approving the transfer and consent to assignment of the Emerald Franchise from Waste Management Inc., dba Emerald Waste and Recovery to USA Waste of California, Inc., dba Emerald Waste and Recovery, the City desires to execute the eighth and ninth amendments to the Class II Non-Exclusive Franchise Agreement for Solid Waste Management Services with USA Waste of California, Inc., dba Emerald Waste and Recovery, effective July 1, 2017; and

WHEREAS, the parties became aware of a discrepancy in the name of the legal entity that holds the Reliable Waste Franchise (Reliable Franchise), and the City determined that a Franchise Transfer is necessary to correct that discrepancy; and

WHEREAS, the Class II Non-Exclusive Franchise Agreement for Solid Waste Management Services with Reliable Waste has been amended seven times; and

WHEREAS, contingent upon the City Council approving the transfer and consent to assignment of the Reliable Franchise from Waste Management, Inc., dba Reliable Waste to USA Waste of California, Inc., dba Reliable Waste, the City desires to execute the eighth and ninth

amendments to the Class II Non-Exclusive Franchise Agreement for Solid Waste Management Services with USA Waste of California, Inc., dba Reliable Waste, effective July 1, 2017; and

WHEREAS, under San Diego charter section 103, no franchise amendment may be authorized except by Ordinance approved by a two-thirds majority vote of the City Council; and

WHEREAS, this item was heard by the Environment Committee on September 24, 2020, which unanimously recommended approval of these amendments; NOW, THEREFORE,

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

Section 1. That, contingent upon the City Council approving the transfer and consent to assignment of the BDC Franchise from Waste Management Inc., dba BDC Special Waste Services to USA Waste of California, Inc., dba BDC Special Waste Services, the Mayor or his designee is authorized to execute the eighth and ninth amendments to the Class II Non-Exclusive Franchise Agreement for Solid Waste Management Services with USA Waste of California, Inc., dba BDC Special Waste Services, effective July 1, 2017, under the terms and conditions set forth in the Eighth and Ninth Amendments on file in the Office of the City Clerk as Document No.

OO- 21253-1

Section 2. That, contingent upon the City Council approving the transfer and consent to assignment of the Emerald Waste and Recovery Franchise from Waste Management Inc., dba Emerald Waste and Recovery to USA Waste of California, Inc., dba Emerald Waste and Recovery, the Mayor or his designee is authorized to execute the eighth and ninth amendments to the Class II Non-Exclusive Franchise Agreement for Solid Waste Management Services with USA Waste of California, Inc., dba Emerald Waste and Recovery, effective July 1, 2017, under the terms and conditions set forth in the Eighth and Ninth Amendments on file in the Office of

the City Clerk as Document No. OO- 21253-2

Section 3. That, contingent upon the City Council approving the transfer and consent to assignment of the Reliable Waste Franchise from Waste Management Inc., dba Reliable Waste to USA Waste of California, Inc., dba Reliable Waste, the Mayor or his designee is authorized to execute the eighth and ninth amendments to the Class II Non-Exclusive Franchise Agreement for Solid Waste Management Services with USA Waste of California, Inc., dba Reliable Waste, effective July 1, 2017, under the terms and conditions set forth in the Eighth and Ninth Amendments on file in the Office of the City Clerk as Document No. OO- ~~21253~~ - 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.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ David L. Krypel  
David L. Krypel  
Deputy City Attorney

DLK:hm  
September 25, 2020  
Or.Dept:ESD  
Doc. No.: 2489078

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 10/27/2020.

ELIZABETH S. MALAND  
City Clerk

By /s/ Matthew R. Hilario  
Deputy City Clerk

Approved: 10/29/2020  
(date)

 (O-2021-42)  
\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

(NOTE: The date of final passage is October 30, 2020, which represents the day this ordinance was returned to the Office of the City Clerk with the Mayor's signature of approval.)

Passed by the Council of The City of San Diego on OCT 27 2020, 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"/> |
| Jennifer Campbell | <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"/> |
| Monica Montgomery | <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"/> |
| Vivian Moreno     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Georgette Gómez   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage OCT 30 2020

AUTHENTICATED BY:

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

(Seal)

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

By [Signature], 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 13 2020, and on OCT 30 2020.

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 [Signature], Deputy

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| <p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>31253</u></p> |
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