

ORDINANCE NO. _____ (2022 SERIES)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, AMENDING ITS FRANCHISE AGREEMENTS WITH SAN LUIS GARBAGE COMPANY TO IMPLEMENT SB 1383 REQUIREMENTS

WHEREAS, as on March 15, 2022 the City Council of the City of San Luis Obispo (“City”) passed Resolution No. 11312 (2022 Series), a Resolution of Intention declaring its intention to amend the franchise agreements with San Luis Garbage Company; and

WHEREAS, the City Council of the City of San Luis Obispo conducted a public hearing on April 19, 2022 for the purpose of considering adoption of the amended franchise agreements; and

WHEREAS, notices of said public hearing were made at the time and in the manner as required by law; and

WHEREAS, the City Council of the City of San Luis Obispo adopted Ordinance No.1551 (2010 Series) granting a franchise to San Luis Garbage Company (“San Luis Garbage”) for a term of 15 years for the collection and disposal of solid waste and recycling, and Ordinance No. 1624 (2015 Series) for a term of 20 years for the collection and deposition of food and green waste within the City (collectively referred to as the “Franchise Agreements”);

WHEREAS, public health and safety demand the orderly and periodic collection and safe disposal and/or processing of solid waste, recyclables, food, and green waste; and

WHEREAS, it has been determined that an exclusive franchise granted to a private company is the most effective and efficient way to collect and remove solid waste, recyclables, and green waste within the City; and

WHEREAS, San Luis Garbage has provided a high level of service and reasonable rates for waste, recyclables, and green waste collection in the City for the terms of the Franchise Agreements; and

WHEREAS, Senate Bill 1383 Lara, Chapter 395, Statutes of 2016 (“SB 1383”) establishes methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants by reducing disposal of organic waste in landfills and is California’s most comprehensive change to solid waste regulations in over thirty years; and

WHEREAS, SB 1383 and its implementing regulations require all jurisdictions to implement organic waste diversion programs to meet the goals of SB 1383 and allows a jurisdiction to designate a public or private entity to fulfill, in whole or in part, its responsibilities under SB 1383 through contracts with its waste haulers, such as the Franchise Agreements; and

WHEREAS, the Franchise Agreements allow the flexibility to add or change solid waste and recycling programs to comply with new laws and regulations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo as follows:

SECTION 1. The City Council of the City of San Luis Obispo hereby grants to San Luis Garbage the exclusive right, privilege, and franchise for continued services to collect, process, and dispose of solid waste, recyclable, and green waste subject to the terms and conditions presented in Exhibit A - Solid Waste Agreement, Exhibit B – Recycling Agreement, and Exhibit C - Organic Materials Agreement.

SECTION 2. Ordinance No. 1551 (2010 Series) and Ordinance No. 1624 (2015 Series) are hereby repealed and superseded upon the effective date of this ordinance.

SECTION 4. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The New Times, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED on the 19th day of April, 2022, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the _____ day of _____, 2022, on the following vote:

AYES:
NOES:
ABSENT:

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk

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