

RESOLUTION NO. 11312 (2022 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, DECLARING THE CITY'S INTENT TO ADOPT AN ORDINANCE AMENDING ITS EXISTING FRANCHISE AGREEMENTS WITH SAN LUIS GARBAGE COMPANY TO IMPLEMENT SENATE BILL 1383 REQUIREMENTS AND SET A PUBLIC HEARING FOR APRIL 19, 2022

WHEREAS, the City of San Luis Obispo ("City") adopted Ordinance No. 1551 on August 20, 2010 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, recycling, and green waste within the City (collectively referred to as the "Franchise Agreements"); and

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

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

WHEREAS, the material terms and conditions of proposed amendments to the Franchise Agreements necessary to implement SB 1383 are set forth below in compliance with Section 1002 of the City Charter of the City of San Luis Obispo; and

WHEREAS, The following sections of the proposed amendments to the Franchise Agreements, as set forth in Attachments B, C, and D to the City's Council Agenda Report dated March 15, 2022, are under final review by the City and San Luis Garbage, but will be agreed upon and presented to the City Council and public with required notice for the April 19, 2022 public hearing: Recycling Agreement – Section 5.4 Refusal to Provide Collection Service and Exhibit B; Organics Materials Agreement – Section 5.5 Refusal to Provide Collection Services, Section 6.6 Procurement of Recovered Organic Waste Products, and Exhibit A.

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

SECTION 1. Pursuant to Section 1002 of the City Charter of the City of San Luis Obispo, the City Council hereby declares its intent to grant an amended franchise to San Luis Garbage for the collection and disposal of solid waste, recycling, and green waste in the City in a manner that complies with SB 1383 and associated regulatory requirements with the following key terms:

- a) San Luis Garbage to provide container color and labeling,
- b) San Luis Garbage to provide public education and outreach assistance,
- c) San Luis Garbage to provide compliance reporting, and
- d) San Luis Garbage to assist the City with organic materials procurement.

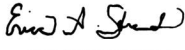
SECTION 2. A public hearing will be held on April 19, 2022 beginning at 6:00 p.m. in the City Council Chambers, at which time any persons having any interest in the amendments to the Franchise Agreements may appear before the Council to be heard thereon.

SECTION 3. The City Clerk shall publish this resolution at least once within fifteen (15) days of its passage in a newspaper in the City of San Luis Obispo.

Upon motion of Vice Mayor Christianson, seconded by Council Member Shoresman, and on the following roll call vote:

AYES: Council Member Marx, Pease, Shoresman, Vice Mayor Christianson, and Mayor Stewart
NOES: None
ABSENT: None

The foregoing resolution was adopted this 15th day of March 2022.

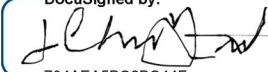
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Mayor Erica A. Stewart

ATTEST:

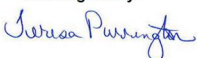
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Teresa Purrington
City Clerk

APPROVED AS TO FORM:

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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 3/18/2022 | 9:39 AM PDT.

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Teresa Purrington
City Clerk