

Ordinance Fact Sheet

TO: CITY COUNCIL

DATE: September 22, 2008

FROM: CITY ATTORNEY

SUBJECT: AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 8.61 OF THE PASADENA MUNICIPAL CODE ("SOLID WASTE COLLECTION FRANCHISE SYSTEM") REGARDING FRANCHISE REQUIREMENTS FOR THE COLLECTION OF SOLID WASTE AND RELATED AMENDMENTS.

TITLE OF PROPOSED ORDINANCE:

AN ORDINANCE OF THE CITY OF PASADENA AMENDING CHAPTER 8.61 OF THE PASADENA MUNICIPAL CODE ("SOLID WASTE COLLECTION FRANCHISE SYSTEM") REGARDING FRANCHISE REQUIREMENTS FOR THE COLLECTION OF SOLID WASTE AND RELATED AMENDMENTS.

PURPOSE OF ORDINANCE:

At the regular City Council meeting of February 11, 2008, the Council directed the City Attorney's Office to draft this ordinance with a return date of 180 days given the complexity of the subject matter. The operational changes directed by the City Council are already a part of franchise renewals effective July 1, so there has not been a delay in apprising franchises of the new requirements or in imposing them by Contract at the earliest feasible date. This ordinance will amend portions of Chapter 8.61 of the Pasadena Municipal Code, which are the City's laws concerning the granting of franchise renewals to private companies (called, "franchisees") to allow them to engage in solid waste collection in the City of Pasadena. The primary purpose of the amendment is to encourage the diversion of solid waste away from landfills and to reflect changes and developments in the industry.

REASONS WHY LEGISLATION IS NEEDED:

The Pasadena Municipal Code may only be amended by ordinance of the City Council. The primary purposes of the Ordinance amending the Solid Waste Collection Franchise System are as follows: To establish a 75% required recycling diversion rate for construction and demolition debris and a 60% required recycling diversion rate for other solid waste (Section 8.61.175); to improve emission standards and reduce pollutants by requiring proof from haulers of compliance with particulate control measures from solid waste collection vehicles (Section 8.61.099); to limit third party tonnage recycling exceptions to 25% of total tonnage reported (Section 8.61.175(C)); to provide the Director of Public Works with the authority to adopt administrative rules and regulations consistent with this chapter to specify and to clarify requirements and procedures for franchises and to provide the director with the authority to issue administrative citations and compliance orders under applicable provisions of the code (Section 8.61.035); to incorporate state law definitions into this chapter so that it is interpreted consistently with governing state law and to refine and to clarify other definitions in the chapter (Section 8.61.010); to clarify hauling and disposal activities that do not require a franchise agreement (Section 8.61.040); to establish the requirement of a bond or other security to secure payment of franchise fees (Section 8.61.165); to establish standards for bins used by franchisees and for removal of non permitted bins (Section 8.61.098); to clarify standards for the administrative renewal of a franchise (Section 8.61.120) and other minor corrections and updates.

PROGRAMS, DEPARTMENTS OR GROUPS AFFECTED:

The Department of Public Works, Street Maintenance and Integrated Waste Management Division, will be primarily affected by this proposed ordinance.

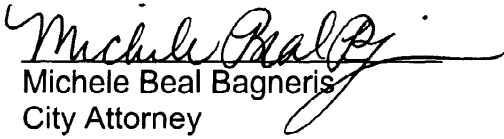
CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Under the State Guidelines for the implementation of the California Environmental Quality Act (CEQA), the non-exclusive franchise system ordinance, and this modification thereto, is categorically exempt. A Notice of Exemption was filed with the Los Angeles County Clerk in conjunction with the passage of the non-exclusive franchise system ordinance.

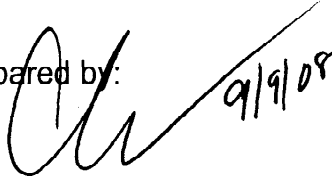
FISCAL IMPACT:

Approving the preparation of an amendment to Chapter 8.61 of the Pasadena Municipal Code will add defined guidelines and franchisees will have a better understanding of the franchise ordinance requirements. As a result there will be limited fiscal impact due to enforcement of the proposed changes.

Respectfully Submitted,

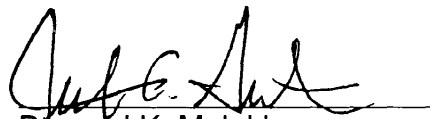

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Prepared by:

 9/9/08

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Concurrence:


Bernard K. Melekian
City Manager