



**NON-EXCLUSIVE SOLID WASTE COLLECTION
FRANCHISE SYSTEM
ADMINISTRATIVE RULES AND REGULATIONS**

All franchisees shall comply with the attached amended rules and regulations effective October 2012, and Chapter 8.61 of the Pasadena Municipal Code "Solid Waste Collection Franchise System" adopted by City Council and approved by Public Works Director October 1, 2008, amended on August 7, 2012 and 2nd amendment October 3, 2012.

Each section of the rules and regulations attached consists of specific terms and conditions in accordance with your franchise agreement. Failure to comply with the attached rules and regulations shall constitute grounds for suspension, termination or non-renewal of your franchise agreement.

8.61.035 "B" Power and Duties of Director:

B. The director may adopt administrative rules and regulations, approved by the city attorney as to form and legality, not inconsistent with provisions of this chapter for the purpose of carrying out and enforcing the payment, collection and remittance of the fees herein imposed, clarifying any of the administrative requirements of this chapter, and establishing frequency and protocol of city regulatory inspections and franchise reporting. A proposed rule or regulation shall be sent by first class mail to the address of record of each franchisee, providing notice that it is to be adopted no earlier than 21 calendar days from the date of mailing and indicating the manner in which written comments may be provided to the director. A copy of the final, adopted rule or regulation shall then be sent by first class mail to the address of record of each franchisee, stating the effective date of the rule or regulation, which shall be no earlier than 10 calendar days from the date of mailing. A copy of all adopted administrative rules and regulations shall be on file in the director's office. (Ord. No. 7154, § 4, 11-24-2008)

Each section of the rules and regulations shall be followed by each franchisee at all times.

Introduction to Rules and Regulations

<u>Sections of Rules and Regulations</u>	<u>Franchise Agreement Sections</u>
1. FINANCIAL AUDITS	(10.0.A Books and Accounts)
2. WASTE CHARACTERIZATION ANALYSIS	(8.2 Application for Exemption)
3. TRANSFORMATION	(9.0 Reports)
4. THIRD PARTY RECYCLING CREDIT	(6.3 Third Party Recycling)
5. BINS	(11.5 Bins Standard and Identification)
6. ADMINISTRATIVE COSTS	(Pasadena Municipal Code section 1.25.170)
7. BOND OR OTHER SECURITY	(22.0 Security Deposit)
8. REQUIREMENTS FOR WASTE REDUCTION AND RECYCLING SERVICES	(5.4 Recycling Services)
9. MONTHLY TONNAGE AND FEE REPORTS	(9.0 Reports)
10. EMISSION STANDARDS	(11.0 Vehicle Reporting, Compliance and Identification)
11. REQUIREMENTS FOR FRANCHISE RENEWAL	(2.0 Term of Franchise)
12. BULKY ITEMS	(5.7 Recycling Services)
13. ABANDONED ITEMS	(5.8 Recycling Services)
14. EMERGENCY PROVISION OF COMMERCIAL SERVICES	(5.9 Recycling Services)

Section - 1. FINANCIAL AUDITS

On site audits may be conducted by City staff and/or a consulting firm through a scheduled appointment. Once written notice has been received, franchisee must contact city staff or consulting firm to schedule the audit date and time within 10 days of receipt of notice.

The following documents shall be provided by franchisee to the individuals/firm at the time of arrival to conduct the scheduled solid waste franchise audit:

- a. List of customers/accounts including service address, service level, collection days, number of containers, container sizes, rates, etc.
- b. Route lists, logs and maps
- c. List of trucks (by truck number with license number) as well as operating and maintenance records such as vehicle quantity, type, fuel type, etc.
- d. Copies of monthly franchise fee reports
- e. Copies of monthly franchise tonnage reports
- f. Copies of checks (paid to City) for franchise fees
- g. List of disposal sites used
- h. Disposal fee invoices and weight tickets
- i. List of disposal, diversion and materials recovery facilities
- j. Invoices and tonnage reports for diverted/recycled materials
- k. General ledger, book of accounts, invoices, etc. to validate gross receipts
- l. Cash receipts journal
- m. Invoice journal
- n. Third party diversion documentation for all claimed 3rd party diversion
- o. Copy of recycling literature sent to customers bi-annually.

The consulting firm chosen by the City of Pasadena will perform a complete on-site audit to determine franchisee's compliance or non-compliance. Franchisee shall be responsible for full payment of all additional follow-up audits required and conducted by the auditor hired by the City of Pasadena. Failure to comply with the requirements noted by the auditor shall result in franchise agreement not being approved for renewal or franchise termination. If issues are raised during the audit process, additional documents may be required, such as bank deposit records, etc.

Reference – Franchise Ordinance Section 8.61.190

Section - 2. WASTE CHARACTERIZATION ANALYSIS

A waste characterization study may be requested anytime a franchisee is not able to reach the diversion requirement. Franchisee may request an exemption (partial or complete). Franchisee requesting an exemption must demonstrate in writing to the Public Works Director that the percentage diversion required cannot be met because the waste stream from specific accounts is not recyclable because either a) all recyclable materials have already been removed from specific accounts prior to collection by the franchisee or a third party, or (b) the composition of the material stream to be collected by the franchisee from specific accounts is not made up of recyclable materials. Franchisee seeking such an exemption shall submit a waste characterization analysis with each account wishing to obtain an exemption, as well as an exemption application form (see attachment P).

In addition, franchisee must demonstrate "good faith effort" through various recycling programs/processes implemented such as transformation, process of material recovery facility (MRF), food waste recycling program, 3rd party recycling, multi-family recycling program, etc., prior to tonnage exemption approval consideration. Franchisee must demonstrate in writing that they have made all reasonable and feasible efforts to implement recycling programs or activities to meet the diversion percentage requirement.

A waste characterization study shall be mailed to City staff and the final approval decision of the exempted tons shall be issued by the Public Works Director.

Tons exempted shall not be reported on monthly tonnage report until franchisee receives written approval of the waste characterization study by the Public Works Director.

See the California Integrated Waste Management Board Website at www.ciwmb.ca.gov for a listing of acceptable methodologies.

Reference – Franchise Ordinance Section 8.61.175

Section - 3. TRANSFORMATION

According to the California Integrated Waste Management Board (CIWMB) starting in 2000, transformation diversion credits can account for up to 10 percent of a jurisdiction's estimated report-year generation or 10 percent of franchisee's yearly generation. Generation tons equals the sum of disposal tons and diversion tons, multiplied by 10 percent (100 tons disposed + 100 tons recycled = 200 tons generation/10 percent) = 20 tons per year that can be processed through a transformation facility. Below is an example chart the City will use to determine the maximum annual allowable transformation tons per franchisee. Maximum allowable transformation tons will be distributed evenly among all franchisees based on previous calendar year's tonnage reported by franchisee.

ADDITIONAL TRANSFORMATION TONS-CALCULATION EXAMPLE CHART:

Hauler	Hauler Generation Tons	Percent of Total Franchise Hauler Disposal Tons (weight %)	10% of Generation Limit (tons/year)	Maximum Allowable Tons Transformed (tons/year)	Discretionary Differential (tons/year)
Hauler A	250	5%	25	40	15
Hauler B	750	15%	75	120	45
Haulers C-Z	4,000	80%	400	640	240
Total Hauler Generation Tons	5,000	100%	500	800	300

ADDITIONAL TRANSFORMATION REQUEST

Franchisee must make a request in writing to the Public Works Director of the number of additional transformation tons needed in order to meet the required recycling diversion percentage. Transformation increases will be approved by the Public Works Director. Additional transformation tons shall not be reported on the monthly tonnage report unless franchisee receives written approval.

California has permitted the following facilities for transformation processing.

- Commerce Refuse -to-Energy Facility (CRTEF) in City of Commerce
- Southeast Resource Recovery Facility (SERRF) in City of Long Beach
- Ogden Martin Systems of Stanislaus, Inc. (Ogden Martin) in Unincorporated Stanislaus County

Section - 4. THIRD PARTY RECYCLING CREDIT

Third party recycling credit is defined as recycling material currently being recycled and collected by a third party individual other than the franchisee collecting the trash. Source reduction practices by the business account can also be counted towards recycling credit. Source reduction means any action which causes a net reduction in the generation of solid waste. Source reduction also includes replacing disposable materials with reusable materials, reducing packaging and increasing the efficiency of the use of paper, cardboard, glass, metal, plastic and other materials.

Third party recycling credit can be obtained when franchisees conduct waste surveys on permanent business accounts. Proper third party documentation shall be provided to the City on a yearly basis (see attachments A, B and C). The signature of the 3rd party representative conducting the business survey shall be an original signature in blue ink only. The signature shall go on the Waste Reduction and Recycling Survey form.

The City may choose to conduct a site visit or phone verification of randomly chosen business accounts reported for third party diversion credit. Following the results of such action, the Director of Public Works or their designee may choose to approve or deny third party recycling as a result of a subsequent verification by City staff.

Monthly Third party (25% of total tonnage reported collected by franchisee) shall be calculated as follows:

Add the month's tonnage disposed and tonnage recycled, including construction and demolition debris, but excluding 3rd party total tonnage. The third party tonnage of 25% will be the result of multiplying the total tonnage reported collected (disposal and recycling) by 25%.

CALCULATION EXAMPLE:

Total disposed tons collected – 10 tons
Total recycled tons collected – 10 tons
Total tons – 20 tons

20 tons x 25% = 5 tons for 3rd party

Franchisees should only conduct waste surveys of the businesses accounts necessary to meet the 25 percent third party limit.

Reference – Franchise Ordinance Section 8.61.175

Section - 5. BINS

- a. Every bin and roll-off box used in the City by franchisee shall be to the highest industry standards at all times:
- Clean
 - Painted
 - Free of graffiti
 - Clearly indicate materials to be stored in container
 - Clearly marked in large lettering with franchisee's name and telephone number painted on both sides of bin and/or roll-off box
 - Durable and tight fitting lids that will not collect water and remain closed when not in use
 - Watertight and waterproof inside and out
 - Maintain all heavy duty functioning rollers/wheels
 - Contain drain plugs to avoid leakage
 - Reinforced container bottoms
 - No overloading to avoid spillage
- b. Franchisee shall remove graffiti from any container within 4 office hours of request by City. Should a request be made to franchisee after 12:00 noon on a Friday, franchise hauler shall remove graffiti from any container by Saturday.
- c. Upon determination by the director that a bin of a franchisee has been installed, used or maintained in violation of the provisions of this chapter, including, but without limitation failure to comply with any term or condition of the franchise, any violation of Health Codes or National Pollutant Discharge Elimination System (NPDES) regulation of the City, an order to comply pursuant to Chapter 1.25 or administrative citation pursuant to Chapter 1.26 may be issued to the franchisee. If citation is not paid in full by the due date, citation fee can be withdrawn from franchisee's bond/security deposit. Any amount drawn must be replenished by franchisee within ten (10) days from any draw by the city.
- d. Continued violations on the provisions mentioned above can lead to suspension or termination of franchise.

Reference – Franchise Ordinance Section 8.61.098

Section - 6. ADMINISTRATIVE COSTS

It is unlawful for any person without a valid franchise to place a receptacle for the storage or collection or discarded refuse or recyclable material in or on any public or private property. Pursuant to section 8.61.098 of the Pasadena Municipal Code.

Pursuant to section 1.25.170 "Administrative Costs" of the Pasadena Municipal Code, the City shall seek all costs pertaining to the removal of unlawful receptacles that have not been provided by a permitted franchisee.

Any unlawful receptacle may be removed by the Director or authorized designee from any premises in the City and impounded pursuant to the provisions of this section. In the event the unlawful receptacle has contents, such contents may be impounded along with the unlawful receptacle.

The Director or authorized designee may remove and impound any unlawful receptacle, and any contents thereof, located on any premises in the City without notice to the owner of the receptacle. Upon being so removed, impoundment shall be pursuant to section 1.25.170 of the Pasadena Municipal Code.

Within twenty four hours of removal of an unlawful receptacle, the City staff shall mail written notice to the owner of the receptacle, if an address can be ascertained from information on the receptacle itself, or to the owner of the property from which the receptacle was removed, if removed from private property and the owner of the receptacle cannot otherwise be ascertained. Such notice shall advise that the receptacle has been removed by the City, and if not redeemed within thirty (30) days by the owner thereof, and all applicable charges paid, may be disposed of by the City in any manner which the City deems appropriate. The charges to redeem an unlawful receptacle are listed below:

If the owner does not redeem an unlawful receptacle within thirty (30) days of such notice, the Director may dispose of the receptacle in such manner as he/she deems appropriate. Notwithstanding any provisions of this section to the contrary, the Director may dispose of the contents of an impounded unlawful receptacle at any time following impoundment if he/she determines such disposal is necessary to preserve the public health, safety or welfare.

Trash Container Impound Costs:

- A. Actual cost to impound roll-off containers (including disposal and administrative costs)
- B. Actual cost to impound dumpsters (bins) (including disposal and administrative costs)
- C. Actual daily storage costs for roll-off containers
- D. Actual daily storage costs for dumpsters (bins)

The Director or authorized designee may impose the above fees to a non-permitted trash collection company operating without a franchise agreement when the hauler wishes to redeem unlawful receptacles.

Section - 7. BOND OR OTHER SECURITY

Franchisee shall maintain a bond or other security with the city, in a form acceptable to the director, in an amount required to secure payment of franchise fees projected for one month of the franchise, or the amount of ten thousand dollars, whichever amount is greater. Franchisee can submit a bond, Assigned CD, Letter of Credit or a Cashier's Check in the amount as stated above. Examples of a previously approved bond and assigned CD are attached as attachments D and E. If franchisee is submitting a bond, then the City's blank bond form approved by City Attorney's/City Prosecutor's office must be used (see attachment F). The blank bond form can be found at <http://www.ci.pasadena.ca.us/publicworks/smiwmii/franchise/forms.asp>. Bonds shall be reviewed for approval by Public Works, Street Maintenance and Integrated Waste Management staff. Assigned CD's and Letters of Credit shall be reviewed for approval by Finance Department staff.

Reference – Franchise Ordinance Section 8.61.165

Section - 8. REQUIREMENTS FOR WASTE REDUCTION AND RECYCLING SERVICES

On September 18, 2006 the City Council adopted a comprehensive environmental Green City Action Plan (GCAP) that franchisees must demonstrate through recycling efforts. Franchisees are required to meet a diversion percentage of 60 percent for solid waste material and 75 percent for construction and demolition debris in order to keep waste from being transported to landfills.

Each Franchisee shall be required to ensure that recycling services are provided for all of its customers either directly or by arrangement with another franchisee. Materials to be recycled shall be collected at a minimum of once per week. Each franchisee shall, at intervals of no greater than 6 months, provide education and informational literature to its customers and the City describing the recycling services to be provided, materials to be recycled, instructions on how to participate, and providing the franchisee's telephone number. Each Franchisee shall provide public awareness to its customers in accordance with the provisions of the Pasadena Municipal Code and the Rules and Regulations adopted by the Director. Each franchisee shall select the type of recycling collection operation. When considering recycling collection methods, the franchisee shall consider factors to assure maximum participation and waste diversion, including but not limited to convenience and cost.

Franchisees shall inform their customers about the company's holiday tree collection/recycling options during the month of January and ask their customer support in properly disposing of unwanted Christmas trees; use its best commercial efforts to provide customers with on call Christmas tree collection pick up as a part of its basic commercial solid waste service and provide City staff the number of Christmas trees collected from Pasadena.

Reference – Franchise Ordinance Section 8.61.170

Section - 9. MONTHLY TONNAGE AND FEE REPORTS

Waste Diversion Monthly Tonnage Report

The waste diversion monthly tonnage report is a three page document (see attachment N); page one is to report solid waste material, page two is to report construction and demolition debris and page three is to report the destinations where the material is transported.

Franchisees are not authorized to modify, adjust or change the original three page tonnage report. If any of the three pages are modified or adjusted, the report will not be accepted by city staff and the report will be considered late.

Only the sections highlighted in yellow shall be completed by non-exclusive solid waste franchisees. The remaining sections of the three-page tonnage report is automatically calculated once the forms are completed.

Make sure the tonnage numbers entered on the first two pages (solid waste material and construction and demolition debris) add up to the same tonnage numbers entered on the third destination form.

Page number one and two must be signed and dated. Make sure the total monthly franchise fee and liquidated damages for page number one and page number two (solid waste material and construction and demolition debris) add up to the amount entered on the monthly fee payment report form.

If one of the three tonnage report pages are incorrect, the report will be considered late and will be returned to the franchisee to revise and return to the city.

Note: Incorrect reports shall be considered late. Refer to section 8.61.070 Requirements for franchise renewal.

Monthly Fee Payment Report

The monthly fee payment report form is a one page document (see attachment O).

Franchisees are not authorized to modify, adjust or change the original monthly fee payment report form. If the report is modified, not fully completed or not accurate, the report will not be accepted by city staff and will be considered late.

The fee payment report shall be signed and dated.

Make sure the total monthly franchise fee matches the total franchise fee amount entered on the monthly tonnage report form page one and two.

Reference – Franchise Ordinance Section 8.61.190

Section - 10. EMISSION STANDARDS

Per City Ordinance 8.61, Solid Waste Collection Franchise System of the Pasadena Municipal Code, franchisees are required to comply with emission standards for refuse collection vehicles, established by California Air Resources Board (CARB) and South Coast Air Quality Management District (SCAQMD) as well as all other applicable federal, state, regional and local laws and regulations.

CALIFORNIA AIR RESOURCES BOARD (CARB) REGULATION

On September 25, 2003, the California Air Resources Board (CARB) adopted Resolution 03-21, Title 13, California Code of Regulations, sections 2020, 2021, 2021.1, and 2021.2a, establishing a diesel particulate matter control measure for on-road heavy-duty diesel-fueled residential and commercial solid waste collection vehicles.

Public and private entities, Cities, Counties, and Regional, State or Federal Agencies that own solid waste collection vehicles must apply Best Available Control Technologies (BACT) on their engines between 2004 and 2010, with specific deadlines depending on factors such as engine model year, number of vehicles in a fleet, and whether the fleet has dual-fuel or bi-fuel engines. Vehicles not retrofitted with BACT must be retired, sold and/or scrapped. Franchisees must submit detailed vehicle status reports to CARB based on BACT implementation schedule as mentioned below.

Fleet Implementation Schedule

Group	Engine Model Year	BACT IMPLEMENTATION						
		DEADLINE DECEMBER 31						
		2004	2005	2006	2007	2008	2009	2010
1	1988-2002	10%	25%	50%	100%			
2a	1960-1987 (15 or more vehicles in fleet)		15%	40%	60%	80%	100%	
2b	1960-1987 (14 or less vehicles in fleet)				25%	50%	75%	100%
3	2003-2006						50%	100%

For more information on CARB Solid Waste Collection Vehicle Rule, please visit:
<http://www.arb.ca.gov/msprog/swcv/swcv.htm>

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT RULE 1193 REGULATION

On June 16, 2000, the South Coast Air Quality Management District (SCAQMD) adopted Rule 1193 which requires public and private solid waste collection fleet operators to acquire less polluting (alternative-fuel or dual-fuel) refuse collection heavy-duty vehicles when procuring or leasing vehicles for use by or for government agencies in the SCAQMD to reduce air toxic and criteria pollutant emissions.

Below is Rule 1193 regulation item (d) Fleet Requirements as approved by SCAQMD:

(d) Fleet Requirements (<http://www.aqmd.gov/rules/reg/reg11/r1193.pdf>)

- 1) Beginning July 9, 2010, all additions to an existing fleet, or formation of a new fleet of solid waste collection vehicles shall be by purchase or lease of alternative fuel or pilot ignition heavy-duty vehicles, for public solid waste collection fleet operators and private solid waste collection fleet operators providing collection services subject to paragraphs (d)(3) or (d)(4) who have 15 or more solid waste collection vehicles or a combined total of 15 or more roll-off, transfer, or solid waste collection vehicles.
- 2) Beginning July 9, 2010, all additions to an existing fleet, or formation of a new fleet, of transfer or roll-off vehicles shall be by purchase or lease of alternative fuel, pilot ignition, or dual-fuel heavy-duty vehicles when adding or replacing transfer or roll-off vehicles, for public solid waste collection fleet operators and private solid waste collection fleet operators providing collection services subject to paragraphs (d)(3) or (d)(4) who have a combined total of 15 or more transfer or roll-off vehicles.
- 3) Any governmental agency that obtains new residential solid waste collection services from private fleet operator(s) shall contract for 100 percent use of alternative fuel or pilot ignition solid waste collection vehicles, roll-off vehicles, or transfer vehicles.
- 4) Prior to January 1, 2020, any governmental agency that obtains new commercial or renewed residential or commercial solid waste collection services from private fleet operator(s) shall contract for:
 - (A) 100 percent use of alternative-fuel or pilot ignition solid waste collection vehicles, roll-off vehicles, or transfer vehicles:
 - i. no later than five (5) years from the date of contract service, and
 - ii. placing a minimum number of alternative fuel vehicles into service in accordance to the following schedule:

Minimum Percentage	Deadline
20%	1 year after initial service
40%	2 years after initial service
60%	3 years after initial service
80%	4 years after initial service
100%	5 years after initial service

Twenty percent replacement shall be effective on contract term of July 1, 2013.

This requirement only applies to haulers who have 15 or more solid waste collection vehicles in its total fleet. Total fleet is defined as total number of vehicles owned/operated and not just the number of vehicles operating within the City of Pasadena.

For more information on SCAQMD vehicle rule 1193, please visit:

<http://www.aqmd.gov/tao/FleetRules/1193Refuse/index.htm>

California Highway Patrol Inspections

Franchisees shall comply with the California Commercial Motor Vehicle Safety Act of 1988, commonly referred to as the Biennial Inspection of Terminals (BIT) Program, enacted by the California Legislature in an effort to alleviate the growing number of truck related collisions on California's highways. Primarily, the intent is to ensure every truck terminal throughout the state is inspected by the California Highway Patrol (CHP) on a regular basis, thereby creating a level field for all motor carriers statewide.

Franchisees shall have each waste collection vehicle inspected as per the requirements of the California Highway Patrol and shall submit such certificate of inspection reports to the Program Coordinator of the City of Pasadena, Department of Public Works no later than April 30th of each year or at the time the application packet for consideration of franchise renewal is submitted. The Public Works Director or his or her designee shall have the authority to require additional inspections as he/she deems necessary to ensure that the public health, safety and welfare are adequately protected. All costs of such inspections shall be the responsibility of the franchisee.

The City may inspect the facilities, equipment or vehicles used for storage, collection, transportation, processing or disposal of solid waste or recyclables, as necessary to ensure full compliance with the California Air Resources Board and California Integrated Waste Management Board. The City may require a waste collector to furnish upon penalty of perjury, additional technical or monitoring reports as the City may specify.

The California Highway Patrol may cause any vehicle used by franchisee to be inspected and tested at any commercially reasonable time and in such manner as may be appropriate to determine that the vehicle is being maintained in compliance with all applicable provisions of the State Vehicle Code, including all vehicle code sections regarding smog equipment requirements. The City of Pasadena may direct the removal of any vehicle from service if that vehicle is found by the California Highway Patrol to be in nonconformance with applicable codes. No vehicle directed to be removed from service by the City may be returned to service until the California Highway Patrol has approved its return to service. The franchisee will provide the City with a copy of the annual BIT inspection report within ten (10) days of receipt from CHP.

For more information on Biennial Inspection of Terminals (BIT), please visit:
<http://www.chp.ca.gov/publications/pdf/chp800h.pdf>

Reference – Franchise Ordinance Section 8.61.099

Section - 11. REQUIREMENTS FOR FRANCHISE RENEWAL

Any current franchisee intending to be considered for franchise agreement renewal shall submit the following application packet. Franchise renewal is subject to a yearly review of a franchise's completed application packet and past performance and conformance with the regulations, performance and reporting requirements as mentioned below:

Application Packet

- a. Submittal Checklist (see attachment G)
- b. Franchise application (see attachment H)
- c. Certificate of automobile, general liability and worker's compensation insurance (see example attachment I)
- d. Exemption for worker's compensation, if applicable (see attachment J)
- e. Recycling plan questionnaire (see attachment K)
- f. Third party diversion documentation (see attachments A, B and C)
- g. Photocopy of business license permit (see example attachment L)
- h. Clear photocopy of company owner's or president's California Driver's License
- i. Customer list in alphabetical order (customer address, name, telephone number, number of trash bins and number of recycling bins)
- j. Accounting statement: from accountant, accounting firm or bookkeeper stating that all revenue and income arising out of its operations are kept in a manner that conforms to generally accepted accounting principles
- k. A \$200.00 check "franchise application fee" made payable to the City of Pasadena
- l. Partnership statement – If franchisee is a partnership, include the name and address of each partner on an additional sheet of paper
- m. California Highway Patrol inspection report on each vehicle used in Pasadena (see attachment M)
- n. Bond or other security – In an amount to secure payment of franchise fees projected for 1 month or the amount of \$10,000.00, whichever amount is greater (see attachment F)

Past Performance

Review of franchisees past performance shall include the following items:

- a. Franchisee shall meet a minimum recycling diversion rate on an annual basis for solid waste and required recycling diversion rate for construction and demolition debris.
- b. Franchisee shall have successfully passed a solid waste collection vehicle inspection provided by the California Highway Patrol on each vehicle used in Pasadena as well as emission standards of the California Air Resources Board (CARB) and South Coast Air Quality Management District (SCAQMD) and all other vehicle rules and regulations.
- c. Franchisee shall have received a successful audit performance results and shall have paid in full all outstanding liquidated damages and franchise fees.
- d. Franchisee shall have not been late more than two times with the monthly franchise fee payments and franchise tonnage reports during the year in review. If tonnage or franchise fee reports are incorrect or incomplete they shall be considered late.
- e. Franchisee shall have submitted literature and other documents requested by city staff.
- f. Maintain a security deposit in an amount required to secure payment of franchise fees projected for one month of the franchise or the amount of ten thousand dollars, whichever amount is greater.

Reference – Franchise Ordinance Section 8.61.070

Section -12. BULKY ITEMS

Franchisee shall use its best commercial efforts and practices to provide customers with on-call, curbside pickup of bulky items twice per calendar year as part of customers' basic commercial solid waste services.

Bulky items shall be placed on the curb no sooner than 5:00 p.m. the day before the scheduled bulky item collection date. Bulky items include small appliances, furniture, carpets, mattresses, white goods, oversized yard waste such as tree trunks and large branches and similar large items discarded by franchisee's customers. Bulky item collection shall not interfere with pedestrian or vehicular traffic or regular access to the public-right-of-way and not create a nuisance or a danger to public health and safety.

Reference – Franchise Ordinance Section 8.61.170

Section -13. ABANDONED ITEMS

Franchisee shall use its best commercial efforts and best practices to pick up abandoned items on or in front of customer locations as soon as possible upon driver observation and within 24 hours when requested by the City.

Reference – Franchise Ordinance Section 8.61.170

Section -14. EMERGENCY PROVISION OF COMMERCIAL SERVICES

Upon notification from City, Franchisee shall provide commercial services in response to a natural or other type of disaster or incident necessitating emergency cleanup service (labor, equipment and diversion or disposal of collected materials) to their customers who reside in the City, in accordance with applicable federal and state regulations.

Franchisee shall provide all necessary equipment, materials and labor necessary to remove and recover, to the extent possible, all stockpiled disaster related debris at franchise hauler's customer site.

Franchisee shall provide the City with documentation of the amount and type of material removed.

City will pay for emergency services which it specifically requisitions, in writing and for which supporting documentation is properly provided, in a format specified by the City at the standard compensation rates and method.

Reference – Franchise Ordinance Section 8.61.170