

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 8.12 OF THE SAN LUIS OBISPO COUNTY CODE, THE SOLID WASTE MANAGEMENT ORDINANCE, BY AMENDING SECTION 8.12.735 RELATING TO THE MAXIMUM TERM OF SOLID WASTE COLLECTION FRANCHISE AGREEMENTS

WHEREAS, Public Resources Code Section 40059 states that the authority to provide solid waste collection services through a nonexclusive or exclusive franchise (or combination thereof) may be granted by a county either with or without competitive bidding under terms and conditions prescribed by the board of supervisors by resolution or ordinance; and

WHEREAS, Chapter 8.12 of the San Luis Obispo County Code sets forth the terms and conditions under which solid waste collection franchises may be granted within the unincorporated areas of the County; and

WHEREAS, the County of San Luis Obispo first entered into solid waste collection franchise agreements with local solid waste haulers in 1994; and

WHEREAS, other local governmental agencies within the County also enter into solid waste collection franchise agreements with local solid waste haulers within their respective jurisdictions; and

WHEREAS, in 1994, the County and cities and community services districts within the County formed the San Luis Obispo County Integrated Waste Management Authority (IWMA) pursuant to the Joint Exercise of Powers Act (Government Code §§ 6500 *et seq.*) for the purpose of advising, planning for, suggesting and implementing solutions to common solid waste problems; and

WHEREAS, IWMA staff, in coordination with IWMA member agency staff, recently evaluated locally imposed term limits on franchise agreements in light of franchisees' needs to provide a basis to justify long-term financing or investment in facilities and major capital improvements, including, without limitation, the expansion of the Cold Canyon Landfill and construction of a Kompogas facility; and

WHEREAS, IWMA staff, in coordination with member agency staff, has determined that such locally imposed term limits are no longer necessary based on, among other things, the rate review and termination provisions set forth in the franchise agreements and that such term limits hinder the flexibility of local agencies to satisfy State mandates in a manner that requires a significant investment on the part of franchisees; and

WHEREAS, consequently, allowing the County the discretion to negotiate longer franchise agreements on a case-by-case basis consistent with all applicable requirements of the Integrated Waste Management Act (Public Resources Code §§ 40000 *et seq.*), including, without limitation, Public Resources Code Sections 49200 through 49205, in order to permit franchisees to secure financing for necessary facilities and capital improvements, is in the public interest.

NOW, THEREFORE, the Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1: Title 8, Chapter 8.12, Section 8.12.735 is hereby amended to read as follows:

8.12.735 - [INTENTIONALLY OMITTED]

SECTION 2: This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after passage of this Ordinance, a summary of the Ordinance prepared by the Director of Public Works shall be published once with the names of the members of the Board of Supervisors voting for and against the Ordinance in a newspaper of general circulation published in the County of San Luis Obispo, State of California and the County Clerk shall post and make a certified copy of the full text of the Ordinance along with the names of those members of the Board of Supervisors voting for and against the Ordinance available, upon request in accordance with Government Code Section 25124(b)(1).

SECTION 3: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

SECTION 4: This Ordinance is not a “project” under CEQA because it constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment (CEQA Guidelines § 15378(b)(5)).

INTRODUCED at the regular meeting of the Board of Supervisors held on the 16th day of August, 2016 and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 13th day of September 2016, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors
of the County of San Luis Obispo
State of California

ATTEST:

County Clerk and Ex-Officio Clerk of
the Board of Supervisors, County of
San Luis Obispo State of California

APPROVED AS TO FORM
AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By: 
Deputy County Counsel

Dated: July 25, 2016

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