

ORDINANCE 737 N.S.

AN ORDINANCE GRANTING A FRANCHISE FOR SOLID WASTE
COLLECTION SERVICES TO RICHMOND SANITARY SERVICE,
APPROVING A SOLID WASTE COLLECTION SERVICE AGREEMENT,
AND DECLARING AN EXEMPTION FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT

The City Council of the City of Piedmont hereby ordains:

SECTION 1 RECITALS

The Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989 (“Act”) and subsequent additions and amendments (codified at California Public Resources Code sections 40000 et seq.), has declared that it is in the public interest to authorize and require local agencies to make adequate provisions for Solid Waste Collection within their jurisdiction.

The State of California has found and declared that the amount of Solid Waste generated in California, coupled with diminishing landfill space and potential adverse environmental impacts from landfilling and the need to conserve natural resources, have created an urgent need for State and local agencies to enact and implement an aggressive integrated waste management program. The State has, through enactment of the Act, directed the responsible State agency, and all local agencies, to promote disposal site diversion and to maximize the use of feasible Solid Waste reduction, re-use, recycling, and Composting options in order to reduce the amount of Solid Waste that must be disposed of in disposal sites.

Pursuant to California Public Resources Code section 40059(a) as may be amended from time to time, the City has determined that the public health, safety, and well-being require that an exclusive right be awarded to a qualified contractor to provide for the collection of Garbage, Recyclable Material, and Organic Waste, except for collection of materials excluded in the City Code, and other services related to meeting the City’s goal of 75% reduction of waste to landfills, the California Integrated Waste Management Act 50% diversion requirement, the State’s 50% diversion requirement and 75% diversion goal by 2020 and other requirements of the Act, AB 341, AB 1826, AB 1383, and other local, State and federal requirements.

SECTION 2 GRANT OF FRANCHISE

The City Council of the City of Piedmont hereby grants an exclusive ten (10) year franchise to Richmond Sanitary Service for Solid Waste Collection Services, for a period of ten years, beginning on July 1, 2018 and continuing through June 30, 2028.

SECTION 3 APPROVAL OF AGREEMENT

The City Council hereby approves the Solid Waste Collection Services Agreement labeled Exhibit A, attached hereto and incorporated into this ordinance, providing for the details and provisions of the franchised services to be provided by Richmond Sanitary Service.

SECTION 4 CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION

The Council finds and determines that such award of a franchise for Solid Waste Collection Services and approval of the Solid Waste Collection Services Agreement (CSA) is not a “Project” for purposes of the California Environmental Quality Act (“CEQA”) in that, pursuant to CEQA Guidelines Section 15378(b)(4), the award is a financial commitment only, and the CSA is a funding mechanism for the continuation of existing and essential solid waste services pursuant to applicable law, and not a commitment to a specific project which may result in a potentially significant physical impact on the environment. (Public Resources Code section 21065; CEQA Guidelines, 14 Cal. Code of Regs. Section 15378.)

Moreover, it can be seen with certainty that there is no possibility that the approval of the CSA with Richmond Sanitary Service will have a significant effect on the environment because Richmond Sanitary Service will continue to provide a similar level of service that the City is currently receiving. (Public CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3).)

SECTION 5 SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Ordinance or their applicability to other persons or circumstances.

SECTION 6 EFFECTIVE DATE OF ORDINANCE

This ordinance shall be posted at City Hall after its second reading and adoption by the City Council for at least thirty days and shall become effective thirty days after its adoption.

I certify that the foregoing ordinance was passed and adopted as a part of the consent calendar by Resolution 2-18 at the regular meeting of the City Council of the City of Piedmont on January 16, 2018, by the following vote:

Ayes:	Andersen, Cavanaugh, King, McBain, Rood
Noes:	None
Absent:	None

Attest: _____
John O. Tulloch, City Clerk