



Legislation Text

File #: 09-1087, **Version:** 2

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending subsection 8.60.087.A and Section 8.60.087.5, all relating to operating rules and regulations for private refuse haulers, read and adopted as read.

The City currently regulates its commercial solid waste collection program through permits issued to private refuse haulers, who are required to comply with the Municipal Code and Administrative Regulations. The Municipal Code currently limits the number of permitted haulers and regulates their activities. Although the permit program has effectively assisted the City in meeting its waste reduction mandates, staff recommends an administratively more flexible means of enforcing all permit, Municipal Code and environmental program requirements.

Staff recommends that the City Council authorize the City Manager, as a condition of permit approval, to enter into agreements of up to ten years (Agreements) with each of the 16 currently permitted private refuse haulers. The initial term will be for seven years, extendable for up to three additional years as discussed below. The proposed Agreements would incorporate the current requirements of Chapter 8.60 of the Municipal Code, enhance waste collection and recycling requirements, mandate the use of alternative fuel vehicles by 2015 and provide contractual remedies for illegal or unapproved activities.

In support of the City's sustainability efforts, private refuse haulers will be offered the following incentives to comply with the alternate fuel requirement early:

- If 100 percent of their Long Beach fleet is comprised of alternative fuel vehicles by October 1, 2012, then three additional years will be added to the initial sevenyear term of the vendor's contract, making the respective vendor's contract effective through September 30,2019;
- If 100 percent of their Long Beach fleet is comprised of alternative fuel vehicles by October 1, 2013, then 2 (two) additional years will be added to the initial seven-year term of the vendor's contract, making the respective vendor's contract effective through September 30, 2018.

If 100 percent of the Long Beach fleet is not compliant by October 1, 2015, then the City will consider the private refuse hauler to be in violation of their contract and will require the vendor to cease operating in Long Beach within a one-year period as determined by the City.

Agreements will provide the City with clear legal authority to enforce City Councilor City Manager mandates, such as recycling for multi-family buildings, use of alternative fuel vehicles, or other operating conditions. The Agreements will also allow for a more timely and effective resolution of service complaints. For example, the increase in mixed-use development (combined commercial and residential buildings) has resulted in an increase in complaints regarding haulers operating in violation of the hours set by the Municipal Code. While haulers are required to operate in compliance with the current Municipal Code, individual Agreements with each hauler would enable the City to

assess monetary damages against a hauler for breach of contract.

In consideration for being one of the limited haulers allowed to collect solid waste in the City for an extended permit term, staff also recommends that City Council institute an 8 percent Refuse Hauler Business Fee (based on gross receipts), to be deposited in the General Fund, and eliminate the current Recycling Incentive Fee (payable based on a calculation of tons disposed), currently deposited into the Refuse Fund. This fee would be in addition to the AB 939 fee of 8 percent (of gross receipts) to support the City's efforts to maintain compliance with State recycling mandates. Adoption of the attached resolution would establish the amount of the fee, which would take effect at the same time as the amendment to the Municipal Code.

Pursuant to CEQA guidelines, California Code of Regulations, Article 19 §15300, et seq., a categorical exemption has been issued for this project.

This letter was reviewed by Deputy City Attorney Amy R. Burton on September 29, 2009 and by Budget and Performance Management Bureau Manager David Wodynski on September 30, 2009.

City Council action on this matter is requested on October 20, 2009, to begin implementation of the new Agreements and establishment of the Refuse Hauler Business Fee as soon as possible.

Proceeds from the Refuse Hauler Business Fee will be deposited in the General Fund (GP) in the Department of Public Works (PW). Based on current estimated gross receipts of existing private haulers, annual revenue would be approximately \$1.3 million. Proceeds from the AB 939 fee, also estimated at \$1.3 million annually, based on gross receipts of existing private haulers, will continue to accrue to the Refuse Fund (EF 330) in the Department of Public Works (PW). The Refuse Fund will no longer receive annual revenue from the Recycling Incentive Fee, currently estimated at \$400,000, which is based on the private haulers' current waste diversion compliance rates.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SUBSECTION 8.60.087.A AND SECTION 8.60.087.5, ALL RELATING TO OPERATING RULES AND REGULATIONS FOR PRIVATE REFUSE HAULERS

**MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS**

NAME
TITLE

APPROVED:

PATRICK H. WEST
CITY MANAGER