

RESOLUTION NO. 2021-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA APPROVING AN EXCLUSIVE AGREEMENT FOR THE COLLECTION AND HANDLING OF SOLID WASTE

WHEREAS, Section 1300 of the Santa Ana City Charter authorizes the City Council to grant utility franchises; and

WHEREAS, under Section 1300 of the Charter, the City Council may grant a franchise to any person, form, or corporation, whether operating under an existing franchise or not, and may prescribe the terms and conditions of any such grant; and

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989 (Public Resources Code section 40000 *et seq.*) established a solid waste management process which requires cities and other local jurisdictions to implement plans for source reduction, reuse and recycling as integrated waste management practices for solid waste attributed to sources within their respective jurisdictions; and

WHEREAS, Assembly Bill 341, codified in Public Resources Code sections 42649 through 42649.7, requires any business that generates four cubic yards or more of commercial solid waste per week and multifamily residential dwellings of five units or more to arrange for recycling services, and requires local jurisdictions to implement commercial solid waste recycling programs that may include enforcement provisions that are consistent with the jurisdiction's authority; and

WHEREAS, Assembly Bill 1826 authorizes and requires local jurisdictions, on and after January 1, 2016, to implement an organic waste recycling program to recover organic waste generated by certain commercial premises and multifamily residential dwellings; and

WHEREAS, Senate Bill 1383 authorizes and requires local jurisdictions, on and after January 1, 2022, to implement an organics recycling program to recover organic materials from residential and commercial premises; and

WHEREAS, Public Resources Code section 40059 authorizes cities to award exclusive franchises for the collection of solid waste, and to determine the procedure by which such franchises will be awarded; and

WHEREAS, Public Resources Code section 49300 authorizes cities to award such contracts by resolution; and

WHEREAS, the City Council has adopted regulations for the collection of solid waste, appearing at Article II of Chapter 16 of the Santa Ana Municipal Code; and

WHEREAS, the City currently contracts with Waste Management Collection and Recycling, Inc., a California corporation dba Waste Management of Orange County for exclusive collection and handling of solid waste; and

WHEREAS, the City intends to award to Arakelian Enterprises, Inc. dba Athens Services a new, exclusive agreement for the collection and handling of solid waste, following issuance of Request for Proposals No. 20-097, dated March 24, 2020, and under the terms and conditions described therein, as further negotiated by the parties; and

WHEREAS, the new agreement allows Athens Services to provide exclusive solid waste collection and related services within the City from July 1, 2022 through June 30, 2032, with option for extension; and

WHEREAS, following a duly noticed public hearing pursuant to Section 1303 of the City Charter, the City Council awards the new agreement under the authorities specified above and subject to further compliance with California Constitution Article XIID (Proposition 218) and the Proposition 218 Omnibus Implementation Act (Govt. Code Sections 53750 et. seq.); and

WHEREAS, given that the agreement will provide for the continued collection of solid waste in the service areas as it currently exists, the City Council finds and determines that the requirements of the California Environmental Quality Act ("CEQA") have been satisfied, and this action on part of the City Council is exempt from CEQA pursuant to the sections of the State CEQA Guidelines cited below.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Ana as follows:

Section 1. The agreement attached to this resolution as Exhibit A and incorporated by this reference is hereby approved subject to further compliance with California Constitution Article XIID (Proposition 218) and the Proposition 218 Omnibus Implementation Act (Govt. Code Sections 53750 et. seq.), and the City Manager is hereby authorized to execute the agreement on behalf of the City of Santa Ana.

Section 2. The City Council finds and determines that this action is not subject to the California Environmental Quality Act pursuant to the following sections of the State CEQA Guidelines: Section 15301 (operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use); Section 15307 (actions by regulatory agencies for protection of natural resources); Section 15308 (actions by regulatory agencies for protection of the environment); and Section 15061(b)(3) (common sense exception).

Section 3. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this _____ day of _____, 2021.

Vicente Sarmiento
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: John M. Funk
John M. Funk
Sr. Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATION OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2021-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on _____.

Date: _____

Clerk of the Council
City of Santa Ana