

RECOMMENDATION

It is recommended that the City Council:

- Approve the attached Resolution granting a franchise for solid waste handling services to Garden Grove Disposal.



THOMAS F. NIXON
City Attorney

Attachment: Resolution Granting Franchise for Solid Waste Handling Services

Recommended for Approval



Matthew Fertal
City Manager

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
FINDING THE GRANTING OF AN EXCLUSIVE FRANCHISE FOR SOLID WASTE
HANDLING SERVICES TO GARDEN GROVE DISPOSAL TO BE IN FURTHERANCE OF
THE PUBLIC HEALTH, SAFETY, AND WELL-BEING

WHEREAS, the California Integrated Waste Management Act of 1989, currently codified as California Public Resources Code Section 40000 et seq. (AB 939), imposes certain solid waste diversion requirements on local agencies and authorizes and requires them to make adequate provision for the disposal of all solid waste within their jurisdictions;

WHEREAS, California Public Resources Code Section 40059(a)(2) authorizes a local agency to satisfy its obligation under AB 939 to provide for solid waste handling services by means of an exclusive contract or franchise if, in the opinion of its governing body, the public health, safety, and well-being so require;

WHEREAS, in furtherance of satisfaction of its obligations under AB 939, on May 25, 2010, the City Council approved and authorized the City Manager to execute that certain agreement by and between the City of Garden Grove, the Garden Grove Sanitary District, and Republic Waste Services of Southern California, LLC, dba Garden Grove Disposal (Garden Grove Disposal), effective July 1, 2010 (Agreement), which grants an exclusive franchise to Garden Grove Disposal to perform solid waste handling services within the city; and

WHEREAS, pursuant to California Public Resources Code Section 40059(a)(2), a local agency may grant a franchisee authority to provide solid waste handling services within its jurisdiction under the terms and conditions prescribed by the governing body of the local agency by Resolution.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY RESOLVE AS FOLLOWS:

1. Pursuant to California Public Resources Code Section 40059(a), the City Council finds and determines that the public health, safety, and well-being require that an exclusive contract and franchise for solid waste handling services within the city be granted to Garden Grove Disposal in accordance with the terms of the Agreement.
2. The City Council finds the uniform collection and disposal of solid waste in a manner consistent with the terms of the Agreement to be in furtherance of AB 939 and the public health, safety, and welfare.