(R-2008-396)

RESOLUTION NUMBER R-303202

DATE OF FINAL PASSAGE DECEMBER 5, 2007

A RESOLUTION OF THE CITY OF SAN DIEGO MODIFYING THE CURRENT AUTOMATED CONTAINER POLICY, ESTABLISHING A REPLACEMENT AUTOMATED REFUSE CONTAINER FEE, INCREASING OTHER AUTOMATED CONTAINER FEES, AND TAKING RELATED ACTIONS.

WHEREAS, the Council by Resolution No. R-283379, adopted on February 7, 1994, authorized the implementation of a City-wide automated refuse collection program, which included providing automated containers to customers eligible for City-provided solid waste collection services; and

WHEREAS, the containers provided by the City are approaching the end of their useful life and costs of replacement would have a significant impact on the General Fund; and

WHEREAS, prior to 1994, City customers were responsible for providing containers at their own expense;

WHEREAS, the City proposes to return responsibility to the individual customer to furnish approved replacement automated refuse containers at the customer's expense;

WHEREAS, customers will have the option of purchasing approved replacement automated refuse containers from the City for a cost-recovery fee or acquiring approved replacement automated refuse containers from a retailer or other legal source;

WHEREAS, the City also proposes to increase other container-related fees to more closely approximate the costs of containers and associated services provided by the City;

WHEREAS, in accordance with Administrative Regulation Number 95.25 §5.1(d), ten days' notice to the public of the City's intention to establish, amend, or increase fees, was given

by publication in the *San Diego Daily Transcript* and 14 days' notice was mailed to interested parties; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the City's existing automated refuse container policy is amended to return responsibility to the individual, eligible City resident or small business customer to furnish approved replacement automated refuse containers at the customer's own expense.

2. That the Mayor is authorized to establish a cost recovery fee for replacement automated refuse containers to be charged to customers who choose to acquire replacement automated refuse containers from the City, in accordance with the Cost Analysis and Fee Calculation prepared by the Environmental Services Department and attached as Exhibit B to Report to City Council No. 07-192, on file with the City Clerk as Document No. RR-303202-1.

3. That the Automated Container Policy and Fee Schedule be revised to provide for fee increases to recover specific current costs of container acquisition, replacement, handling, and delivery, as set forth in the Automated Container Policy attached as Exhibit A to Report to City Council No. 07-192 on file with the City Clerk as Document No. RR-303202-2.

4. That the City Clerk is directed to amend the Ratebook of City Fees and Charges to include the new automated container program fees described above.

5. That the City Auditor and Comptroller is authorized to deposit the replacement automated refuse container fees, including any corresponding delivery fees, into Automated Refuse Container Fund No. 10509, to be used for the purposes of administering the replacement automated refuse container program.

6. That on advice of the administering department, the City Auditor and Comptroller is authorized to transfer funds, annually or as often as deemed necessary, from the Automated

Refuse Container Fund No. 10509, to the appropriate accounts to offset costs incurred in the General Fund to purchase, deliver, repair, and/or replace automated refuse containers and to administer the Automated Refuse Container Replacement Program.

7. That the Council hereby receives the Automated Refuse Container Replacement Fee Report to the City Council and the Cost Analysis and Fee Calculation attached thereto as Exhibit B on file with the City Clerk as Document No. RR-303202-1.

8. That the Council hereby receives the revised Environmental Services Department Regulation entitled Automated Container Policy on file with the City Clerk as Document No. RR-303202-2, which will be promulgated pursuant to San Diego Municipal Code sections 66.0124, 66.0126, and 66.0127.

9. That the above activities are statutorily exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15273(a)(1) because they constitute the establishment and modification of fees which the City Council hereby finds are for the purpose of meeting operating expenses.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Grace C. Lowenberg
Deputy City Attorney

GCL:mb
11/06/07
Or.Dept:ESD
Aud.Cert:N/A
R-2008-396

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego, at its meeting of November 20, 2007.

(R-2008-396)

ELIZABETH S. MALAND, City Clerk

By_____
Deputy City Clerk

Approved: _____
(date)

_____
JERRY SANDERS, Mayor

Vetoed: _____
(date)

_____
JERRY SANDERS, Mayor