

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

ACTION AGENDA SUMMARY

DEPT: County Counsel *[Signature]*

BOARD AGENDA # *E-1

Urgent Routine

AGENDA DATE March 3, 2009

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Section 9.08.040 to Allow Persons to Collect Refuse in No More than Two Franchise Areas, and Approval of Conforming Changes to the Regulations for Collection of Refuse in the Unincorporated Area of Stanislaus County

STAFF RECOMMENDATIONS:

1. Introduce and waive the first reading of an ordinance amending Stanislaus County Code Section 9.08.040 to provide that no person shall be granted a franchise to collect refuse in more than two franchise areas.
2. Approve amendment of Section IV(A) of the Regulations for Collection of Refuse in the Unincorporated Area of Stanislaus county to provide that no person shall be granted a franchise to collect refuse in more than two franchise areas, to be effective on the same date as the proposed ordinance amendment.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended amendments to the Stanislaus County Code or the franchise Regulations.

BOARD ACTION AS FOLLOWS:

No. 2009-141

On motion of Supervisor Chiesa, Seconded by Supervisor Grover and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Grover, Monteith, and Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION: Introduced and waived the first reading of Ordinance No. C.S. 1052

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-I-8

Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Section 9.08.040 to Allow Persons to Collect Refuse in No More than Two Franchise Areas, and Approval of Conforming Changes to the Regulations for Collection of Refuse in the Unincorporated Area of Stanislaus County

DISCUSSION:

Currently, the Stanislaus County Ordinance Code and franchise Regulations limit persons or entities granted a refuse collection franchise to only one franchise area. The purpose of this limitation is to ensure that in the event of a strike there will be adequate resources among the remaining franchise collectors to provide service in the affected franchise area until resolution of the strike.

However, Stanislaus County has four franchise areas and the likelihood that more than one area would be involved in a labor strike at any one time is minimal. Further, on November 25, 2008, the Board of Supervisors authorized the Department of Environmental Resources to put Franchise Area No. 3 out for a competitive procurement process and on February 10, 2009 the Board authorized the Department to publish the Request for Proposals. Given these circumstances, staff believes that the recommended ordinance and regulations changes will allow more bidders to participate in the procurement process.

Staff recommends the Board adopt the attached ordinance amending Section 9.08.040 of the County code to change the number of franchises that may be held by one person or entity from one to two. In addition, staff recommends the Board adopt a resolution, effective on the same date as the change to ordinance code section 9.08.040, to amend the Regulations for Collection of Refuse in the Unincorporated Territory of Stanislaus County (as Amended on November 4, 2008), Section IV(A) to read:

- A. AREAS: The unincorporated territory of the County has been divided into areas. Separate franchises will be awarded for each area. No person will be granted a franchise in more than two areas. Each franchisee shall be independent of every other Franchisee.

POLICY ISSUE:

The Board of Supervisors should determine if these amendments support the Board's priorities of the efficient delivery of public services, a healthy community, and a well-planned infrastructure system.

STAFFING IMPACTS:

There are no staffing impacts associated with this item.

ORDINANCE NO. C.S. _____

AN ORDINANCE AMENDING SECTION 9.08.040 OF THE COUNTY CODE
RELATING TO REFUSE FRANCHISES

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF
CALIFORNIA DO ORDAIN AS FOLLOWS:

Section 1. Section 9.08.040 of the Stanislaus County Code is amended to read as
follows:

9.08.040 Franchise—Limited to two areas.

No person shall be granted a franchise to collect refuse in more than two
franchise areas.

Section 2. This ordinance shall take effect 30 days from and after the date of its
passage and before the expiration of 15 days after its passage it shall be published
once, with the members voting for and against the same, in the Modesto Bee, a
newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____ seconded by Supervisor,
_____ the foregoing Ordinance was passed and adopted
at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of
California, this ___ day of _____, 2009, by the following-called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Jim DeMartini, Chairman
of the Board of Supervisors of the
County of Stanislaus, State of California

ATTEST:


CHRISTINE FERRARO TALLMAN, Clerk of the
Board of Supervisors of the County of Stanislaus,
State of California

By _____
Liz King, Deputy Clerk

APPROVED AS TO FORM:

JOHN P. DOERING
County Counsel

By



Thomas E. Boze
Deputy County Counsel