

CITY OF LOS ANGELES
CALIFORNIA

JUNE LAGMAY
City Clerk

HOLLY L. WOLCOTT
Executive Officer



ANTONIO R. VILLARAIGOSA
MAYOR

Office of the
CITY CLERK

Council and Public Services
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Los Angeles, CA 90012
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SHANNON HOPPES
Council and Public Services
Division

www.cityclerk.lacity.org

When making inquiries relative to
this matter, please refer to the
Council File No.

April 26, 2013

To All Interested Parties:

The City Council adopted the action(s), as attached, under Council File No. 10-1797-S15, at its meeting held April 24, 2013.

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TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

**ENERGY AND ENVIRONMENT
and
AD HOC ON WASTE REDUCTION AND RECYCLING Committees**

reports as follows:

ENERGY AND ENVIRONMENT and AD HOC ON WASTE REDUCTION AND RECYCLING COMMITTEES' REPORT relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System.

Recommendations for Council action:

1. ADOPT the following goals and actions for the Exclusive Commercial Franchise System, Final Implementation Plan as detailed in the April 12, 2013 Bureau of Sanitation (BOS) report as follows:
 - a. Meet the City's Zero Waste Goals.
 - 1) Blue Bin recycling, at minimum, at every customer site
 - 2) Preserve existing organic waste separation and recycling programs
 - 3) Offer green waste collection to all Multifamily customers
 - 4) Include Landfill disposal reduction targets in Franchise agreements with accountability for performance including liquidated damages
 - b. Meet and Exceed State requirements for waste diversion and mandatory recycling.
 - 1) Phase in Citywide organics diversion programs
 - 2) Encourage, through Request for Proposals (RFP) evaluation criteria, proposers to exceed required targets in their proposals by including innovative programs and new technologies.
 - c. Improve Health and Safety for Solid Waste Workers enforced by provisions in Franchise Agreements.
 - 1) City certification and inspection of all facilities
 - 2) Right to inspect facilities for compliance with appropriate rules and regulation
 - 3) Require compliance with Living Wage Ordinance provisions
 - 4) Require compliance with Service Contract Workers Retention Ordinance and First Source Hiring Ordinance
 - 5) Establish a City hotline for employee complaints, and protection from retaliation for reporting problems
 - d. Improve Efficiency of the City's solid waste system.
 - 1) Adopt the Exclusive Commercial Franchise Zone Map with 11 zones
 - 2) Require routing efficiencies in proposals, and monitor Vehicle Miles Traveled in franchise agreements

- e. Improve the City's air quality.
 - 1) Require late model low emission clean fuel vehicles

- f. Provide the highest level of Customer Service.
 - 1) Require contractors to use all forms of communication with their customers (call center, online, etc)
 - 2) Require extensive, ongoing outreach programs
 - 3) Include Customer needs and specialized services in RFP and franchise agreements
 - 4) Provide access to customer service data by Sanitation in order to evaluate performance and customer satisfaction
 - 5) Address Hospital and other special needs in the Franchise service requirements, and through continuing stakeholder involvement
 - 6) Establish an alternative for studios with the requirements to:
 - i. Use one of the franchise haulers
 - ii. Meet all franchise requirements such as, but not limited to, waste diversion, accurate reporting, payment of fees, and clean air vehicles
 - iii. Require third party auditing of all standards

- g. Create a consistent clearly defined system, fair and equitable rates and contingency plans to ensure reliable service.
 - 1) Include only a capped cost of living increase in franchise agreements
 - 2) Designate the uniform rate model as the preferred alternative, and allow Sanitation to negotiate the best practical and achievable model
 - 3) Include detailed contingency plans in each franchise agreement, and requirements that they be updated annually. Contingency plans shall include, at minimum:
 - i. Backup provisions in franchise agreements for each service zone
 - ii. Monetary penalties for a lapse in service in franchise agreements, such as performance bonds and liquidated damages provisions
 - 4) Exempt material types from the Exclusive Commercial Franchise System, including:
 - i. Medical waste
 - ii. Hazardous waste
 - iii. Radioactive waste
 - iv. Pharmaceutical waste
 - v. Construction and Demolition Debris

- h. Create a system that ensures Long Term Competition.
 - 1) Require compliance with City's Business Inclusion Program (MBE/WBE/OBE/DVE/EB Subcontracting)
 - 2) Designate three small Exclusive Franchise Zones geared towards smaller waste haulers
 - 3) Designate that no more than 49 percent of service may be performed by one company

- i. Ensure Sufficient Staffing to meet Program Goals.
 - 1) Continue AB939 fee as currently adopted
 - 2) Designate a City Franchise fee to achieve the City's fiscal goals

j. Ensure reliable system infrastructure to provide uninterrupted service to Customers.

- 1) Provide for infrastructure development sufficient for management of solid waste
2. DIRECT the BOS to begin the development of a RFP.
3. DIRECT the BOS to complete the California Environmental Quality Act (CEQA) process.
4. DIRECT the BOS to finalize the RFP as necessary upon Council consideration and approval of the CEQA documentation and Ordinance.

Fiscal Impact Statement: Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

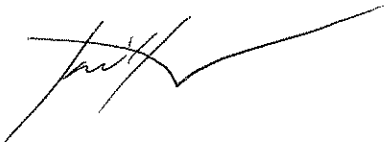
SUMMARY:

At a joint meeting of the Energy and Environment and Ad Hoc on Waste Reduction and Recycling Committees on April 17, 2013, the Committees considered the April 12, 2013 BOS report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System.

During the Committees discussion, representatives of the Board of Public Works and the BOS provided an overview and additional clarification on the BOS's Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System and responded to related questions from Committee members. After an opportunity for public comment and further consideration, the Committee members voted to approve the recommendations contained in the April 12, 2013 BOS report with the amendment to add the additional instructions as reflected on this report. This matter is now forwarded to the Council for its consideration.

Respectfully submitted,

ENERGY AND ENVIRONMENT
COMMITTEE



AD HOC ON WASTE REDUCTION AND
RECYCLING COMMITTEE



ADOPTED

APR 24 2013

LOS ANGELES CITY COUNCIL

MEMBER	VOTE
HUIZAR:	YES
ZINE:	YES
LABONGE:	ABSENT
ALARCÓN:	YES
KORETZ:	ABSENT

MEMBER	VOTE
ALARCÓN:	YES
HUIZAR:	YES
KORETZ:	YES
KREKORIAN:	ABSENT

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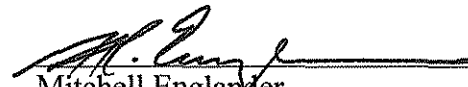
-NOT OFFICIAL UNTIL COUNCIL ACTS-

MOTION

I MOVE, that the matter of the Energy and Environment and Ad Hoc Waste Reduction and Recycling Committees' Joint Report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System, Item No. 23 on today's Council Agenda, BE AMENDED to strike Recommendation 1.g.1 of the report, as rates established during the RFP process should be set rates that are agreed upon at the time of contracting.

I FURTHER MOVE, that the Bureau of Sanitation be instructed to report back with a methodology for establishing a rate model.

PRESENTED BY:


Mitchell Englander
Councilmember, 12th District

ORIGINAL

SECONDED BY:



APR 24 2013

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AD HOC ON WASTE REDUCTION &
RECYCLING

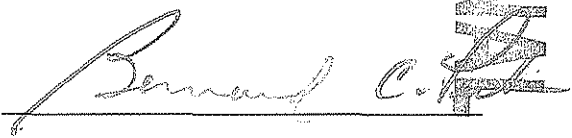


MOTION

I MOVE, that the matter of the Energy and Environment and Ad Hoc Waste Reduction and Recycling Committees' Joint Report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System, Item No. 23 on today's Council Agenda, BE AMENDED so that Recommendation 1.d.1 of the report reads as follows:

- 1) Adopt the Exclusive Commercial Franchise Zone Map with 44 zones up to 20 zones as determined through the Environmental Impact Report study process.

PRESENTED BY: 
 Mitchell Englander
 Councilmember, 12th District

SECONDED BY: 

ORIGINAL

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ITEM 23 _____

MOTION

I MOVE, that the matter of the Energy and Environment and Ad Hoc Waste Reduction and Recycling Committees' Joint Report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System, Item No. 23 on today's Council Agenda, BE AMENDED so that Recommendation 1.e.1 of the report reads as follows:

- 1) Require late model low emission clean fuel vehicles.

PRESENTED BY: 
 Mitchell Englander
 Councilmember, 12th District

SECONDED BY: 

ORIGINAL

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April 24, 2013

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Vehicle road damage is a result of the axle weight upon the pavement. Heavy duty trucks, such as waste collection vehicles, can cause 1000 times more damage to a road as a single passenger vehicle. While diesel fuel is subject to federal and state taxes, the proposed Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System requires the use of clean trucks, which will reduce the use of diesel fuel, and the tax revenues derived from it.

As the City moves to implement an exclusive commercial and multifamily solid waste franchise system, it should consider alternative methods to fund the costs of road damage due to the use of heavy trash trucks on city streets.

I THEREFORE MOVE that the Energy and Environment and Ad Hoc on Waste Reduction AND Recycling Committees' report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System Item No. 23 on today's Council Agenda (CF 10-1797-S15) BE AMENDED to instruct the City Administrative Officer, in consultation with the Bureau of Sanitation, Bureau of Street Services and Bureau of Engineering, to report on the feasibility of dedicating a portion of the Franchise Fee for the repair and maintenance of city streets and alleys.

PRESENTED BY:

Joe Buscaino

JOE BUSCAINO
Councilmember, 15th District

SECONDED BY:

M. Engle

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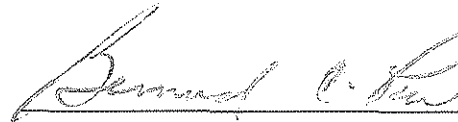
I MOVE, that the matter of the Energy and Environment and Ad Hoc Waste Reduction and Recycling Committees' Joint Report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System, Item No. 23 on today's Council Agenda, BE AMENDED to instruct the Bureau of Sanitation provide an explanation of how backup provisions contemplated in section 1.g.3 of report will ensure consistent pickup of trash, including in the event of a labor strike in which employees of different franchises may still elect to honor others' picket lines.

PRESENTED BY:



Mitchell Englander
Councilmember, 12th District

SECONDED BY:



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RECYCLING



MOTION

I MOVE, that the matter of the Energy and Environment and Ad Hoc Waste Reduction and Recycling Committees' Joint Report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System, Item No. 23 on today's Council Agenda, BE AMENDED to strike Recommendation 1.c.5 from the report, as employee complaints and protection should be addressed in the franchise agreements and are a matter of contract administration.

PRESENTED BY: *Mitchell Englander*
Mitchell Englander
Councilmember, 12th District

SECONDED BY: *Samuel L. Paul*

ORIGINAL

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AD HOC ON WASTE REDUCTION & RECYCLING

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ITEM 23 _____

MOTION

I MOVE, that the matter of the Energy and Environment and Ad Hoc Waste Reduction and Recycling Committees' Joint Report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System, Item No. 23 on today's Council Agenda, BE AMENDED to strike Recommendation 1.c.1 be from the report.

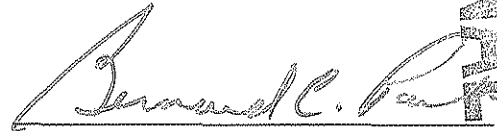
I FURTHER MOVE, that the Bureau of Sanitation and City Attorney be instructed to report back with an explanation of how facilities in the City will be inspected by the City's Local Enforcement Agency, and on how inspection will or will not cover facilities used by franchised haulers but that are located outside of the City.

PRESENTED BY:


Mitchell Englander
Councilmember, 12th District

ORIGINAL

SECONDED BY:



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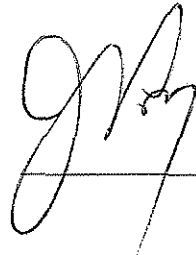
April 24, 2013

MOTION

I MOVE, that the matter of the Energy and Environment and Ad Hoc Waste Reduction and Recycling Committees' Joint Report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System, Item No. 23 on today's Council Agenda, BE AMENDED to strike Recommendation 1.a.1 from the report.

I FURTHER MOVE, that the Bureau of Sanitation be instructed to report back with a detailed plan clarifying how businesses can implement Blue Bin recycling while considering storage and space requirements that businesses face.

PRESENTED BY: 
Mitchell Englander
Councilmember, 12th District

SECONDED BY: 

COUNCIL
MEMBER

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AD HOC ON WASTE REDUCTION & RECYCLING



MOTION

I MOVE, that the matter of the Energy and Environment and Ad Hoc Waste Reduction and Recycling Committees' Joint Report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System, Item No. 23 on today's Council Agenda, BE AMENDED to additionally instruct the City Administrative Officer and Chief Legislative Analyst be instructed to prepare a fiscal impact report on the matter.

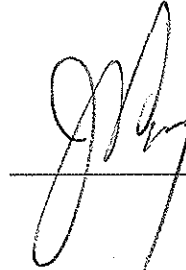
PRESENTED BY:



Mitchell Englander
Councilmember, 12th District

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SECONDED BY:



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ITEM 23

MOTION

I MOVE, that the matter of the Energy and Environment and Ad Hoc Waste Reduction and Recycling Committees' Joint Report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System, Item No. 23 on today's Council Agenda, BE AMENDED so that Recommendation 1.g.4 of the report reads as follows:

4) Exempt *the following* material types, as defined by state laws and statues, from the Exclusive Commercial Franchise System: ~~including:~~

PRESENTED BY:

M. Engler

Mitchell Englander
Councilmember, 12th District

SECONDED BY:

[Signature]

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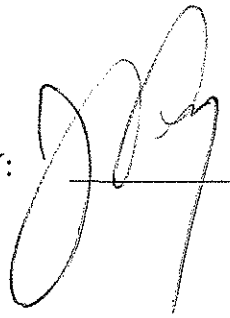
April 24, 2013

MOTION

I MOVE, that the matter of the Energy and Environment and Ad Hoc Waste Reduction and Recycling Committees' Joint Report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System, Item No. 23 on today's Council Agenda, BE AMENDED so that Recommendation 1.h of the report reads as follows:

- 1) Require compliance with the City's Business Inclusion Program (MBE/WBE/OBE/DVE/EB Subcontracting)
- 2) Designate *a minimum of* three small Exclusive Franchise Zones geared towards smaller waste haulers
- 3) Designate that no more than 49-40 percent of service may be performed by one company.

PRESENTED BY: 
Mitchell Englander
Councilmember, 12th District

SECONDED BY: 

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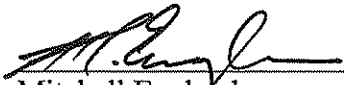
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MOTION

I MOVE, that the matter of the Energy and Environment and Ad Hoc Waste Reduction and Recycling Committees' Joint Report relative to the Final Implementation Plan for an Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System, Item No. 23 on today's Council Agenda, BE AMENDED so that Recommendations 2 through 4 of the report reads as follows:

- 2. ~~DIRECT the BOS to begin development of an RFP. DIRECT the BOS to complete the California Environmental Quality Act (CEQA) process.~~
- 3. ~~DIRECT the BOS to complete the California Environmental Quality Act (CEQA) process. DIRECT the BOS to begin the development of an RFP upon the conclusion of the CEQA process.~~
- 4. ~~Direct the BOS to finalize the RFP as necessary upon Council consideration and approval of the CEQA documentation and Ordinance.~~

PRESENTED BY:

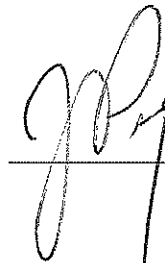

 Mitchell Englander
 Councilmember, 12th District

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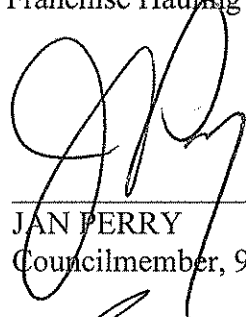
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April 24, 2013

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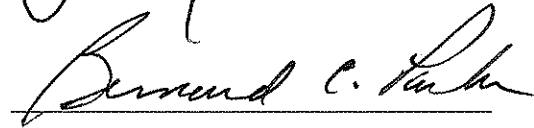
I MOVE that the Energy and Environment and Ad Hoc on Waste Reduction and Recycling Committee's Report, Item No. 23 on today's Council Agenda (CF # 10-1797-S15), BE AMENDED to Instruct the Board of Public Works & Bureau of Sanitation to meet with representatives of the religious community to solicit their input for inclusion in the development of the Exclusive Commercial and Multifamily Solid Waste Franchise Hauling System prior the issuance of the associated Request for Proposals.

PRESENTED BY:



JAN PERRY
Councilmember, 9th District

SECONDED BY:



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