



MICHAEL N. FEUER
CITY ATTORNEY

REPORT NO. R 1 6 - 0 3 8 3
DEC 0 6 2016

REPORT RE:

**DRAFT ORDINANCE AMENDING SECTIONS 66.33 THROUGH 66.33.10 OF THE
LOS ANGELES MUNICIPAL CODE RELATING TO THE COLLECTION OF SOLID
WASTE FROM COMMERCIAL ESTABLISHMENTS AND
MULTIFAMILY DWELLINGS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

Pursuant to your request on December 6, 2016, this Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance amends and/or supersedes the draft ordinance transmitted on November 28, 2016. The draft ordinance amends Sections 66.33 through 66.33.10 of Chapter VI, Article 6 of the Los Angeles Municipal Code relating to the collection of solid waste from commercial establishments and multifamily dwellings, and adds reporting requirements regarding use of subcontractors and identification of additional subcontracting opportunities by franchisees in the exclusive franchise system. The draft ordinance formalizes the process for addition of subcontractors (Minority Business Enterprise, Women Business Enterprise, Emerging Business Enterprise, Disabled Veterans Business Enterprise, Small Business Enterprise, and all other business enterprises). Additions of subcontractors to the franchise agreements are subject to prior approval by the City of Los Angeles (City). As to promoting subcontracting opportunities during the term of the franchises, the draft ordinance requires that each franchisee demonstrate on a quarterly basis the franchisee's best efforts to identify additional subcontracting opportunities to increase participation by

subcontractors. The Bureau of Sanitation shall develop rules and regulations that will be approved by the Board of Public Works setting forth criteria of how best to determine efforts, and also assigning monetary penalties for failure to demonstrate best efforts. The draft ordinance conditions the City's exercise of an option to renew franchise agreements on a franchisee's compliance with the subcontractor related reporting requirements and efforts to mentor subcontractors and perform additional subcontractor outreach.

CEQA Findings

If the subject ordinance is enacted, the City Council should determine the adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15060 (c)(2) of the State CEQA Guidelines and Article II, Section 2(m) of the City CEQA Guidelines.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Bureau of Sanitation with a request that all comments, if any, be presented directly to City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Adena M. Hopenstand at (213) 978-8130. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 
DAVID MICHAELSON
Chief Assistant City Attorney

DM:AH:ac
Transmittal