

## **..Title**

- a. Consider introducing, waiving reading, and setting November 12, 2024, as the date to adopt an ordinance of the County of Monterey, State of California, amending Section 10.41.090 of the Monterey County Code outlining the County's Solid Waste franchise agreement standards; and
- b. Consider finding the action is categorically exempt under CEQA Guidelines section 15378(b)(5).

## **..Report**

### RECOMMENDATION:

It is recommended that the County of Monterey Board of Supervisors:

- a. Consider introducing, waiving reading, and setting November 12, 2024, as the date to adopt an ordinance of the County of Monterey, State of California, amending Section 10.41.090 of the Monterey County Code outlining the County's Solid Waste franchise agreement standards; and
- b. Consider finding the action is categorically exempt under CEQA Guidelines section 15378(b)(5).

### SUMMARY:

The proposed ordinance amends Section 10.41.090 of the Monterey County Code, which outlines the County's solid waste franchise agreement standards. Specifically, the amendment removes the limitation that the Board of Supervisors may only approve a franchise agreement, or renew a franchise agreement, after an open and competitive process for the award of a franchise agreement. Public Resources Code section 40059 allows local governmental agencies to determine whether competitive bidding must be required for solid waste handling. As such, this ordinance removes the competitive bidding requirement as permitted under Public Resources Code section 40059(a)(2).

### DISCUSSION:

On June 25, 2024, the Board of Supervisors received a summary report of the analysis and recommendations regarding the Unified Franchise Agreement for solid waste collection and hauling in the unincorporated areas of Monterey County. The Board directed staff to move forward with contract negotiations to extend the UFA with the current franchisee, Waste Management, Inc. for ten years.

Monterey County Code Section 10.41.090 addresses the UFA:

- "A. The Board may grant to persons the exclusive rights to collect solid waste within specific areas and to deliver all collected solid waste to a designated facility for disposal by means of a franchise agreement. The franchise agreement shall provide specific terms for the operation of the franchise, including the duration of the franchise, which shall not exceed fifteen (15) years, and the payment of a franchise fee. Unless otherwise expressly provided in the terms of the franchise agreement, the provisions of this Chapter, including obtaining a permit, apply to any franchise agreement approved pursuant to this Section.
- B. The Board may only approve a franchise agreement, or renew a franchise agreement, after an open and competitive process for the award of a franchise agreement is completed as follows:

1. On approval by the Board, the County will solicit proposals from persons engaged in the collection of solid waste. Prior to the issuance of requests for proposals, the Director of Health shall establish objective criteria to be used in evaluating and selecting the preferred person. The request for proposals shall include the criteria. The Director of Health or his or her designee shall review all proposals and make such investigations, as the Director of Health deems necessary and appropriate to ensure that cost effective, quality service will be provided.
2. The Director of Health shall review and evaluate the proposals and recommend to the Board which, if any, proposer should be granted the franchise agreement. Upon the basis of the level of service proposed, proposed service fee, any historical evidence as to the quality of service, other evidence submitted and the results of any investigation, the Director of Health shall make a finding on the qualifications of each proposer. The Director of Health or his or her designee shall recommend to the Board who should be granted the franchise agreement on the basis of his or her findings.”

The ordinance amendment removes Item B from Monterey County Code as indicated in the red-line and clean copies of the ordinance included as Attachments 1 and 2.

#### CEQA

The proposed ordinance is being adopted pursuant California Environmental Quality Act (CEQA) guidelines section 15378(b)(5) as it is an administrative activity that will not result in direct or indirect changes to the environment.

While this work is not directly in support of a Health Department strategic goal, it is in support of one or more of the ten essential public health services, specifically, 6. Enforce laws and regulations that protect health and ensure safety.

#### OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the ordinance amendment as to form.

#### FINANCING:

Adoption of the ordinance will have no direct financial impacts.

#### BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services, promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Robin Kimball, Management Analyst III, 796-1297

Approved by: Elsa Mendoza Jimenez, Director of Health Services, 755-4526

Attachments:

Board Report

Attachment 1, Proposed Ordinance Redline Copy

Attachment 2, Proposed Ordinance Clean Copy