

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE GRANTING
A COMMERCIAL SOLID WASTE AND RECYCLABLES
COLLECTION FRANCHISE TO BERNARDINI
ENTERPRISES, INC.**

WHEREAS, Bernardini Enterprises, Inc., a California corporation, (“Bernardini Enterprises”) has submitted an application to the City of San José for a Commercial Solid Waste and Recyclables Collection Franchise; and

WHEREAS, on May 18, 2021, the San José City Council (“City Council”) held a public hearing to consider said application and to hear all persons desiring to be heard in favor of or in opposition to the granting of a Commercial Solid Waste and Recyclables Collection Franchise to Bernardini Enterprises; and

WHEREAS, having considered all oral and documentary evidence presented on the matter of granting such franchise, the City Council has determined that the grant of such franchise to Bernardini Enterprises is in the public interest;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
SAN JOSE:**

SECTION 1. The City Council hereby grants a Commercial Solid Waste and Recyclables Collection Franchise to Bernardini Enterprises, pursuant to which Bernardini Enterprises is authorized to engage in the business of collecting, transporting and disposing of Residential Clean-Out Material and Construction and Demolition Debris (“C&D Debris”) kept, accumulated or produced in the City of San José and to use the public streets and rights of way for such purpose.

SECTION 2. The grant of said Commercial Solid Waste and Recyclables Collection Franchise is expressly subject to the terms and conditions of the City Charter, Chapter 9.10 of the San José Municipal Code, this Ordinance, and the Non-Exclusive Franchise Agreement Between the City of San José and Bernardini Enterprises ("Non-Exclusive Franchise Agreement"), as such now exist or as they may hereafter be amended.

SECTION 3. The Commercial Solid Waste and Recyclables Collection Franchise hereby granted to Bernardini Enterprises will begin on the effective date of this Ordinance, per Section 605 of the City Charter, and end on June 30, 2022 inclusive. The Director of Environmental Services is authorized to extend the Non-Exclusive Franchise Agreement for up to one (1) one (1)-year term.

SECTION 4. Notwithstanding Section 3 of this Ordinance and notwithstanding any provision of the Non-Exclusive Franchise Agreement, the Commercial Solid Waste and Recyclables Collection Franchise may be terminated or suspended at any time in accordance with Section 9.10.1690 of Chapter 9.10 of the San José Municipal Code.

SECTION 5. Neither the Non-Exclusive Franchise Agreement granted to Bernardini Enterprises nor this Ordinance authorizes Bernardini Enterprises to operate any landfill, recycling facility or other solid waste disposal facility.

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PASSED FOR PUBLICATION OF TITLE this _____ day of _____, 2021, by
the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk