RD:MJV
2/20/2020

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING THE COMMERCIAL SOLID WASTE AND RECYCLABLE MATERIAL COLLECTION FRANCHISE FOR THE NORTH DISTRICT TO ALLIED WASTE SERVICES OF NORTH AMERICA, LLC DBA ALLIED WASTE SERVICES OF SANTA CLARA COUNTY; AND SUPERSEDING ORDINANCE NO. 28937

WHEREAS, ALLIED WASTE SERVICES OF NORTH AMERICA, LLC DBA ALLIED WASTE SERVICES OF SANTA CLARA COUNTY ("Allied") submitted an application to the City of San José for a Commercial Solid Waste and Recyclable Material Collection Franchise; and

WHEREAS, on June 21, 2011, the 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 Recyclable Material Collection Franchise for the North District to Allied; and

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

WHEREAS, Ordinance No. 28937 was adopted by the City Council thus granting a Commercial Solid Waste and Recyclable Material Collection Franchise for the North District to Allied; and

WHEREAS, the City Council desires to amend Ordinance No. 28937 so as to conform the franchise term to the term of the Commercial Solid Waste and Recyclable Material Collection Franchises Agreement Between the City of San José and ALLIED WASTE SERVICES OF NORTH AMERICA, LLC DBA ALLIED WASTE SERVICES OF SANTA CLARA COUNTY ("Franchises Agreement");

DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

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

SECTION 1. The City Council hereby amends the grant of the Commercial Solid Waste and Recyclable Material Collection Franchise for the North District to ALLIED WASTE SERVICES OF NORTH AMERICA, LLC DBA ALLIED WASTE SERVICES OF SANTA CLARA COUNTY, Ordinance No. 28937, pursuant to which ALLIED WASTE SERVICES OF NORTH AMERICA, LLC DBA ALLIED WASTE SERVICES OF SANTA CLARA COUNTY is authorized to engage in the business of collecting, transporting and disposing of Commercial Solid Waste and Recyclable Material kept, accumulated or produced in the North District of the City of San José and to use the public streets and rights of way for such purpose.

SECTION 2. The amendment to the grant of said Commercial Solid Waste and Recyclable Material Collection Franchise for the North District 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 Franchises Agreement, as such now exist or as they may hereafter be amended.

SECTION 3. The Commercial Solid Waste and Recyclable Material Collection Franchise for the North District hereby granted to ALLIED WASTE SERVICES OF NORTH AMERICA, LLC DBA ALLIED WASTE SERVICES OF SANTA CLARA COUNTY shall be for the term of the Franchises Agreement as such now exists or as it may hereafter be amended.

SECTION 4. Notwithstanding Section 3 of this Ordinance and notwithstanding any provision of the Franchises Agreement, the Commercial Solid Waste and Recyclable Material Collection Franchise for the North District 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, as may be amended.

SECTION 5. Neither the Commercial Solid Waste and Recyclable Material Collection Franchises Agreement granted to ALLIED WASTE SERVICES OF NORTH AMERICA, LLC DBA ALLIED WASTE SERVICES OF SANTA CLARA COUNTY nor this Ordinance authorizes ALLIED WASTE SERVICES OF NORTH AMERICA, LLC DBA ALLIED WASTE SERVICES OF SANTA CLARA COUNTY to operate any landfill, recycling facility or other solid waste disposal facility.

SECTION 6. This Ordinance shall supersede Ordinance No. 28937.

PASSED FOR PUBLICATION of title this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

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