



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

Item No. _____

FROM: City Administrator

SUBJECT: CalRecycle Update for Commercial Refuse and Recycling

MEETING DATE: January 9, 2018

RECOMMENDATION:

City Council to receive and file a CalRecycle update report for commercial refuse and recycling.

ANALYSIS:

On December 5, 2017, the City Council directed staff to send a 3rd and final notice to refuse and recycling haulers not complying with the City's required reporting of materials recycled as required by the City's Municipal Code. Staff sent the 3rd and final notice to 10 haulers on December 7, 2017 for failure to comply with the terms of their business license, including reporting requirements under the Municipal Code and the Commercial Recycling Laws and allowed one last opportunity to timely provide the required commercial recycling information. Two haulers did not respond to this final notice. As a result, staff sent a Notice of Suspension and Termination to Goodwill Disposal Co., Inc and Wilson's Metal Exchange on December 20, 2017.

Section 6.06.060 of the Commerce Municipal Code provides for the following:

The city administrator shall suspend any such license issued pursuant to this chapter when he shall find that the licensee has violated any condition imposed upon such license or any provision of this code or any provision of law or is otherwise threatening the public peace, health, safety, morals or general welfare. The suspension shall become effective upon the mailing of written notice thereof to the licensee by the city administrator. Such notice shall state the grounds for suspension. If no appeal is taken from such order within ten days of the mailing of such written notice, the license shall be deemed revoked. If, within ten days of the mailing of the notice of suspension, a written appeal from such order is filed with the city clerk, the matter shall be placed upon the next most convenient city council agenda for hearing, at which time said licensee shall show cause why the license should not be revoked. The proceedings before the council shall be an informal administrative hearing and the rules of evidence, as generally applied in judicial proceedings, shall not be applicable thereto except that the substance of said rules shall be observed in conjunction with the evidence presented to the council for its consideration. Written notice of the time and place of the hearing shall be given by the city clerk to the licensee, and to any other person requesting the same in writing, at least five days in advance of such hearing.

No such appeal was filed with the City Clerk and the termination of said business license is final. In addition, there are five haulers who were removed from the City's authorized haulers list for various reasons including two who are no longer in business, two whose business did not qualify per CalRecycle's findings, and one that allowed their license to expire on December 31, 2014 and are no longer eligible for a new license per Council's direction on December 5, 2017 to cease issuing business licenses to recycling haulers. Two recycling haulers sent the City a letter challenging the City's reporting requirements. The City's legal counsel is preparing a response and no final action has yet been taken. Despite these terminations and removals, the City still has 18 authorized refuse haulers and 20 recycling haulers.

Staff will present a report to Council on January 16, 2018 regarding the City's commercial refuse and recycling system, results of CalRecycle's public hearing and investigation and options for a future course of action.

ALTERNATIVES:

1. Approve staff recommendation
2. Disapprove staff recommendation
3. Provide further direction to staff

FISCAL IMPACT:

There is no fiscal impact to the City of Commerce.

RELATIONSHIP TO STRATEGIC GOALS:

This item is related to:

Action Item – Environmental Compliance, Monitoring, and Reporting: City oversight and management of environmental compliance for development projects, regulations, public engagement, and coordination with other agencies.

Approved by: Maryam Babaki, Director of Public Works and Development Services

Prepared by: Gina Nila, Deputy Director of Public Works Operations

Reviewed by: Vilko Domic, Finance Director

Approved as to form: Noel Tapia, City Attorney

Respectfully submitted: Edgar Cisneros, City Administrator