

RESOLUTION NO. 2024-111

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
APPROVING THIRD AMENDMENT TO THE EXCLUSIVE
FRANCHISE AGREEMENT FOR INTEGRATED SOLID
WASTE COLLECTION, PROCESSING, AND DISPOSAL
SERVICES WITH BURRTEC WASTE INDUSTRIES, INC.,
AND FINDING THIS ACTION EXEMPT FROM THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT**

WHEREAS, Burrtec Waste Industries, Inc. (“Burrtec”) provides refuse, recycling, and organic waste collection, procession and disposal, street sweeping, and right-of-way clean up services are provided to the City of San Bernardino (“City”) pursuant to an exclusive franchise agreement with the City (“Agreement”); and,

WHEREAS, Burrtec is required to provide such solid waste services (“Services”) as set forth in the Agreement; and

WHEREAS, since the approval of the Agreement, California law changed to now require the City to implement additional solid waste diversion programs; and

WHEREAS, Burrtec will continue to provide Services that comply with regulations to implement SB 1383 (Chapter 395, Statutes of 2016) (“SB 1383 Regulations”), to the City; and

WHEREAS, pursuant to Section 33.8 of the Agreement, the Agreement may only be amended by written agreement signed by both the City and Contractor; and

WHEREAS, the SB 1383 Short-Lived Climate Pollutants Act of 2016, Public Resources Code Sections 42652, et seq. and any regulations adopted by CalRecycle to implement it as they may be amended to require residential and commercial waste generators to participate in organic recycling programs; and

WHEREAS, the SB 1383 Regulations require the City to implement Collection programs, meet Processing facility requirements, conduct contamination monitoring, provide education, maintain records, submit reports, monitor compliance, conduct enforcement, and fulfill other requirements; and, the City has chosen to delegate some of its responsibilities to Contractor, acting as the City’s designee, and Contractor desires to take on these responsibilities; and

WHEREAS, The Parties heretofore desire to extend the Term of Agreement from March 31, 2026, to March 31, 2031; and,

WHEREAS, the Parties now desire to modify the Agreement to implement changes required by the SB 1383 Regulations and Term of Agreement.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council hereby approves the Third Amendment to the City of San Bernardino's Exclusive Franchise Agreement for Integrated Solid Waste Collection, Processing, and Disposal Services with Burrtec Waste Industries, Inc., attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 3. This Resolution is not subject to the requirements of California Environmental Quality Act ("CEQA"). The approval of Amendment No. 1 is not a "project" within the meaning of Section 15378 of Title 14 of the California Code of Regulations ("State CEQA Guidelines") because it has no potential for resulting in direct or indirect physical change in the environment. The documents and materials that constitute the record of proceedings on which these findings have been based are located at 215 North "D" Street, San Bernardino, CA 92401. The custodian for these records is the City Clerk of the City.

SECTION 4. If any section, subsection, subdivision, sentence, clause, or phrase in this Resolution or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

SECTION 5. This Resolution shall take effect immediately upon adoption.

SECTION 6. The City Clerk shall attest and certify to the passage and adoption thereof.

APPROVED and ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 3rd day of July, 2024.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2024-111, adopted at a regular meeting held on the 3rd day of July 2024 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this ____ day of July 2024.

Genoveva Rocha, CMC, City Clerk