

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO, AMENDING THE COMPLIANCE DATES FOR THE ESTABLISHMENT OF MANDATORY RECYCLING REQUIREMENTS IN ACCORDANCE WITH AB 341 AND MANDATORY ORGANIC RECYCLING WITH AB 1826 FOR SOLID WASTE HAULERS, PROVIDERS, AND RECYCLERS**

**WHEREAS**, both State legislation and Chapter 8.12 of the City Code permits the establishment of programs necessary to comply with waste management requirements set forth by the State; and

**WHEREAS**, the State Legislature has enacted legislation, guidelines, and programs requiring compliance with AB341 and AB1826; and

**WHEREAS**, the City has taken steps to comply with the provisions of AB341 and AB1826 by adopting Resolution 17-62 on July 26, 2017; and

**WHEREAS**, the City understands that the unforeseen events of COVID-19 have impacted the ability of those covered under Resolution 17-62 and this Resolution to achieve the mandated diversion rates of Resolution 17-62.

**NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND** by the City Council of the City of Montebello, State of California, as follows:

**SECTION 1.** The City Council does hereby reaffirm that in accordance with Resolution 17-62 all public and private entities covered under the legislative confines of AB341 are required to implement a mandatory recycling program within 45-Days of the passage of this Resolution. The Council does further reestablish that City shall take necessary supportive measures to ensure compliance with the legislative requirements as currently written or may be amended from time to time.

**SECTION 2.** The City Council does further reestablish that all public and private entities covered under the legislative confines of AB1826 are required to recycle their organic waste in a manner commensurate with the enacted legislation. The Council does further reestablish that the City shall take necessary supportive measures to ensure compliance with the legislative requirements as currently written or may be amended from time to time.

**SECTION 3.** The City Council hereby establishes that all nonexclusive franchisees shall meet the following diversion rates by December 31, of each calendar year referenced below:

- A. 2020 - A diversion rate of 70% must be achieved; and
- B. 2021 - A diversion rate of 75% must be achieved; and
- C. Each nonexclusive franchisee shall implement a commercial solid waste recycling program that consists of education, outreach, and monitoring of their customers, that is appropriate and specific for Montebello businesses and is designed to divert commercial solid waste from said businesses and landfills.
- D. Each nonexclusive franchisee shall report the progress achieved in implementing its commercial recycling program, including education, outreach and monitoring, and if applicable, enforcement efforts and exemptions, by providing updates in its annual Source Reduction and Recycling Plan (SRRP) and/or at other intervals as

determined by the City. The City will conduct an annual review of the SRRP's and determine compliance.

- E. If a franchisee is found to not have made a good-faith effort in implementing its programs, which may include its mandatory commercial recycling program, the City may take necessary steps to ensure compliance up to and including administrative fines, injunctions, suspensions, and any other measures legally necessary, up to and including revocations, to ensure compliance with the law.

**SECTION 4.** That the total diversion rate shall be calculated based on information obtained from all multiple-family residential dwelling units, commercial and industrial premises, and all waste and recyclable material generated by accounts and locations located within the jurisdictional boundaries of the City of Montebello that are serviced by the franchisee. Material used for diversion calculations shall include but not be limited to, varieties of paper, cardboard, plastics, glass, metal, bimetals, aluminum, wood, food waste and other green waste, manure, construction and demolition debris, and any like materials collected and/or removed from within city limits; and

**SECTION 5.** That all brokers and consolidators of waste and/or recyclable material shall be required to register and report solid waste and recycling tonnage to the City in similar fashion as the nonexclusive franchised haulers. This category also includes third party consolidators; brokers; and anyone that arranges for the collection, transportation, and/or disposal of waste and/or recyclable material from any business entity located within the jurisdictional confines of the City of Montebello.

**SECTION 6.** That all Recyclers will be required to comply with Section 8.12.110 and 8.12.150 of the Montebello Municipal Code relating to recyclers requirements and register in similar fashion as the haulers (without AB939 Fees) and report to the City the amount of material collected and/or recycled from locations within Montebello or by residents.

**SECTION 7.** That the City Clerk shall certify to the adoption of this Resolution by the City Council, and it shall thereupon be in full force and effect upon its execution.

**APPROVED, PASSED AND ADOPTED** by the City Council of the City of Montebello, State of California this 16<sup>th</sup> day of December, 2020.

  
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Mayor

**ATTEST:**

  
\_\_\_\_\_  
Christopher Jimenez, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    )        SS:  
CITY OF MONTEBELLO         )

I, Christopher Jimenez, City Clerk of the City of Montebello, County of Los Angeles, State of California, hereby certify that the foregoing Resolution No. 20-97 was passed and adopted by the City Council of the City of Montebello, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 16<sup>th</sup> day of December, 2020 and that said Resolution was adopted by the following vote, to-wit:

AYES: *Peralta, Jimenez, Melendez, Torres, Cobbs-Cawthorne*  
NOES: *None*  
ABSTAIN: *None*  
ABSENT: *None*

  
\_\_\_\_\_  
Christopher Jimenez  
City Clerk

The undersigned, City Clerk of the City of Montebello, does hereby attest and certify that the foregoing Resolution is a true, full and correct copy of a resolution duly adopted at a meeting of said City which was duly convened and held on the date stated thereon, and that said document has not been amended, modified, repealed or rescinded since its date of adoption and is in full force and effect as of the date hereof.

DATE: *12/16/20*

  
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Christopher Jimenez  
City Clerk