



CITY of LAGUNA WOODS

Mitt Robbins
Mayor

September 4, 2007

Bert Hack
Mayor Pro Tem

Robert Bouer
Councilmember

Hon. Nancy Wieben Stock
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Bob Ring
Councilmember

Brenda B. Ross
Councilmember

Dear Judge Stock:

Leslie A. Keane
City Manager

The City of Laguna Woods received and reviewed the 2006-2007 Orange County Grand Jury report, "Assembly Bill 939 Waste Diversion: Are We Finally Making Progress?" and is responding as requested.

Regarding Finding F-6 of the Grand Jury report, the City of Laguna Woods partially agrees with the finding. As explained below the City's municipal code limits solid waste hauling and assesses penalties against violators. The problem that Laguna Woods and other cities cannot solve alone is commercial haulers' current ability to dump solid waste at County landfills without a permit or, at a minimum, providing company contact information. Haulers are currently able to allocate their tonnage to jurisdictions without providing company information or holding a landfill permit. The County needs to implement a system at the landfill that would require company and vehicle information from all commercial haulers, such as the permit system in place for municipal franchise haulers. Such a system would provide the City with the information necessary to locate and fine or prosecute illegal haulers.

The City has implemented Recommendation R-6 in the following manner:

The City of Laguna Woods' exclusive franchise for the collection of solid waste at all residential and commercial locations became effective in September 2005. In July 2007 the franchise expanded to include all temporary bin and roll-off service (industrial sector). At this time only the City's franchised hauler is permitted to haul solid waste or place containers for the removal of solid waste.

Affixed container vehicles, typically used for the collection of inert waste at large construction projects, are permitted by the City on a case-by-case basis. Section 4.24 of the City's Municipal Code establishes reporting and approval requirements that allow the City to regulate this type of hauling.

The City's ability to enforce its franchise and other permitted haulers, and to assess penalties and fines for non-compliance, is well established within the Municipal Code.

Two specific passages highlight this authority:

City of Laguna Woods Municipal Code Section 4.10.040 (f) 3

"Any person or entity, other than a solid waste enterprise which has obtained a business license issued by the City of Laguna Woods should one be required, which engages in the collection of residential or commercial solid waste or which places a commercial bin for the accumulation of solid waste in the City shall be guilty of a misdemeanor punishable as provided generally for violations of the Laguna Woods Municipal Code. Each day in which a person or entity engages in the collection of residential or commercial solid waste in the City or places a commercial bin for the accumulation of solid waste, or permits a commercial bin to remain, in the City without holding a business license issued by the City, shall be a separate offense."

City of Laguna Woods Municipal Code Section 4.10.110 (f)

(f) Collection of solid waste without solid waste franchise and permit prohibited.

(1) To protect public health, safety and well-being, no person except a solid waste enterprise with an exclusive solid waste franchise, or a person authorized under Section 4.10.080 of this chapter ("self-haulers") shall collect any solid waste from any residential premises within the City.

(2) No person other than a solid waste enterprise which has a business license issued by the City shall place a commercial bin for the accumulation of solid waste at any premises within the City or collect any solid waste from any commercial premises or permit or suffer a commercial bin to remain in any place within the City. Each day any person other than a solid waste enterprise which has a business license issued by the City shall collect any solid waste from any commercial premises or place a commercial bin for the accumulation of solid waste at any premises within the City, or permit or suffer a commercial bin to remain in any place within the City shall constitute a separate offense.

(3) If the City has granted one or more commercial solid waste franchises, then no person other than a solid waste enterprise which has an exclusive commercial solid waste franchise or a solid waste enterprise which has continuation or collection rights pursuant to the Public Resources Code or other law shall place a commercial bin for the accumulation of solid waste at any commercial premises within the City or collect any solid waste from any commercial premises or permit or suffer one of its commercial bins to remain in any place within the City. Each day any person other than a solid waste enterprise which has an exclusive commercial solid waste franchise shall collect any solid waste from any commercial premises or place a commercial bin for the accumulation of solid waste at any premises within the City, or permit or suffer a

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commercial bin to remain in any place within the City shall constitute a separate offense.

Please note that all self-haulers and gardeners are required under Section 4.10.080 (b) to obtain a permit from the City in order to collect and transport solid waste.

The City of Laguna Woods appreciates the information and analysis of the Orange County Grand Jury report regarding current solid waste management practices and the efforts of the Orange County Integrated Waste Management Department to provide a solid waste infrastructure that serves all cities in the county.

Thank you for this opportunity to respond to the Grand Jury's report. Per the instructions from Foreman Mike Penn, an electronic copy of this response has been sent via email to dvinnacombe@occourts.org, Orange County Grand Jury.

Sincerely,

Douglas C. Reilly
Assistant City Manager