

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN
BRUNO RESCINDING ORDINANCE NO. 1901 AND AMENDING
SECTION 10.08.020 TO AUTHORIZE RATES TO BE SET BY
RESOLUTION OR ORDINANCE**

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution and Section 10.20.050 of the San Bruno Municipal Code, the City has granted Recology San Bruno (“Recology”) an exclusive contract for the collection of garbage and rubbish the (“Services”) within the city pursuant to that certain agreement entitled “Franchise Agreement for Integrated Waste Management Services,” as amended (the “Original Agreement”) ; and

WHEREAS, the Original Agreement provides that the City shall set rates for the Services (the “Rates”) by ordinance; and

WHEREAS, Section 10.08.020 of the San Bruno Municipal Code requires the City Council to adopt by ordinance the charges for municipal services, which include the Services and sewer and water service; and

WHEREAS, on August 24, 2021, the City Council adopted Ordinance No 1901 to set the Rates; and

WHEREAS, on September 27, 2022, the City approved an Amended and Restated Solid Waste Services Agreement (the “Amended and Restated Agreement”), which does not require Rates to be set by ordinance; and

WHEREAS, the Amended and Restated Agreement provides for the City to adopt Rates effective January 1, 2023; and

WHEREAS, the City desires to set the Rates by resolution; and

WHEREAS, the City desires to amend Section 10.08.020 to authorize rates or charges for municipal services to be set by ordinance or resolution.

The City Council of the City of San Bruno **ORDAINS** as follows:

SECTION 1. The recitals stated above are true and correct.

SECTION 2. Section 10.08.020 is hereby amended in its entirety to read as follows:

“The city council shall adopt rates or charges for municipal services, as needed, by resolution or ordinance. Fines, penalties, and fees for special services shall be adopted by a resolution of the city council.”

SECTION 3. Ordinance No. 1901 is hereby rescinded effective December 31, 2022.

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

SECTION 5. This Ordinance shall take effect thirty (30) days from and after the date of its final passage and adoption.

SECTION 6. The City Clerk is directed to cause publication of this Ordinance as required by law.

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I, Vicky Hasha, Deputy City Clerk, do hereby certify that the foregoing **Ordinance** No. ____ was introduced at a regular meeting of the San Bruno City Council on September 27, 2022 and adopted by the San Bruno City Council at a regular meeting on _____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers: _____

RECUSED: Councilmembers: _____

ABSENT: Councilmembers: _____

Vicky Hasha
Deputy City Clerk