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Agenda Item: ID#15-556 (3-C)

Date: 6/18/15

CITY CLERK, FRESNO

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID#15-556

Contents of Supplement: AMENDED Resolution

Item(s)

RESOLUTION – Declaring that the California Beverage Container Recycling and Litter Reduction Act is damaging to California cities and interferes with a city's ability to freely regulate harmful businesses located within its jurisdiction

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

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RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO DECLARE THAT THE CALIFORNIA BEVERAGE CONTAINER RECYCLING AND LITTER REDUCTION ACT IS DAMAGING TO CALIFORNIA CITIES AND INTERFERES WITH A CITY'S ABILITY TO FREELY REGULATE HARMFUL BUSINESSES LOCATED WITHIN ITS JURISDICTION.

WHEREAS, the City of Fresno has an excellent record of diverting recyclable materials from landfills, ranking among the highest in the state among larger cities by the California Integrated Waste Management Board for diverting its solid waste away from landfills and into the City's recycling programs;

WHEREAS, the California Beverage Container Recycling and Litter Reduction Act ("Act") creates convenience zones (the area within a one half mile radius around supermarkets that have gross sales of \$2,000,000 per year) that must have a certified recycling center within its boundaries, unless exempted by the state, or the supermarket must pay a penalty;

WHEREAS, individuals dump over City recycling bins and steal recyclable beverage containers from residential and commercial recycling and trash bins to redeem them at these state mandated recycling centers;

WHEREAS, these state mandated recycling centers attract and increase crime, including theft, vandalism, public intoxication, illegal drug use, and aggressive panhandling in the surrounding neighborhoods;

WHEREAS, these state mandated recycling centers frequently operate out in the open in public parking lots, and their unsightliness produces visual blight and noise, and are poorly designed so they negatively impact are a nuisance to surrounding neighbors;

WHEREAS, there is already an overconcentration of these recycling centers within the City but state mandates may require that more be allowed to operate;

WHEREAS, the City of Fresno, as a Charter city, should be free to regulate how a business may operate, where a business may be located, and how many businesses of a particular type may operate within the City;

WHEREAS, regulation of recycling center operations is a matter of local concern and it is not a matter of statewide concern; therefore the Act should expressly not apply to Charter cities; and

WHEREAS, because of the Act, the City has very few options to ensure the state mandated recycling centers are not nuisances and overburden our already stressed law enforcement system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The City does opposes the California Beverage Container Recycling and Litter Reduction Act and believes it is damaging to California cities by causing crime and public nuisances in areas surrounding recycling centers and interferes with the City's ability to freely regulate harmful businesses; and the State of California should amend the Act to clarify it does not preempt Charter cities from freely regulating recycling centers. The City also urges the League of California Cities to support the efforts of the

City of Fresno to amend the Act to ensure Charter cities are able to appropriately regulate these activities.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2015.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Mary Raterman-Doidge Date
Deputy City Attorney