

ATTACHMENT A

RESOLUTION NO. 2025-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, CREATING THE REFUSE AD HOC ADVISORY COMMITTEE

WHEREAS, Section 200 of the Charter of the City of Newport Beach (“Charter”) vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, Chapter 6.06 (State Mandated Municipal Solid Waste Diversion Programs) and Chapter 6.04 (Garbage, Refuse and Cuttings) of the Newport Beach Municipal Code (“NBMC”) provide minimum standards for the safe and sanitary collection, storage, and transportation of solid waste, food scraps, green waste, and wood and recyclable materials generated within the city, and diversion of food scraps, green waste, wood and recyclable materials from landfills;

WHEREAS, Chapter 12.63 (Solid Waste Management) of the NBMC requires a commercial solid waste enterprise to obtain a franchise agreement from the City before it may conduct solid waste handling to ensure recycling and diversion requirements of the Waste Management Act of 1989 are met;

WHEREAS, the City contracts with solid waste enterprises for solid waste handling services, several of which are nearing expiration, including contracts for public facilities service, beach service, and street service;

WHEREAS, over the last decade, the state has adopted significant new legislation regulating the collection, storage, and transportation of waste including, but not limited to, Senate Bill (“SB”) 1383 (2016) requiring cities and counties to procure a minimum amount of products made from recycled organic waste each year, SB 1013 (2022) updating beverage container recycling requirements, SB 1053 (2024) updating recycled and paper carryout bag regulations, SB 707 (2024) updating textile recovery regulations, and SB 54 (in process) updating plastic pollution prevention and packaging regulations; and

WHEREAS, the City Council desires to create a Refuse Ad Hoc Advisory Committee to work with City staff and make recommendations to the entire City Council regarding: (1) possible updates to the City's solid waste ordinances, resolutions, commercial collection contracts, franchise agreements, policies, and regulations, which may be affected by current and pending legislation; (2) alternatives to the non-exclusive solid waste collection franchise system; (3) the Orange County Waste & Recycling waste disposal agreement and the implementation thereof; (4) Balboa Village waste management; (5) compliance with current and upcoming state mandates; (6) potential funding sources, such as public and private grants and partnerships, to help support any necessary changes or program enhancements; and (7) enforcement of state and local laws, rules and regulations.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council hereby creates the Refuse Ad Hoc Advisory Committee ("Committee"), which shall be comprised of two Council Members appointed by the Mayor and confirmed by the entire City Council.

Section 2: The sole purpose and responsibility of the Committee shall be to work with City staff and make recommendations to the entire City Council regarding: (1) possible updates to the City's solid waste ordinances, resolutions, commercial collection contracts, franchise agreements, policies, and regulations, which may be affected by current and pending legislation; (2) alternatives to the non-exclusive solid waste collection franchise system; (3) the Orange County Waste & Recycling waste disposal agreement and the implementation thereof; (4) Balboa Village waste management; (5) compliance with current and upcoming state mandates; (6) potential funding sources, such as public and private grants and partnerships, to help support any necessary changes or program enhancements; and (7) enforcement of state and local laws, rules and regulations.

Section 3: The Committee shall function as an ad hoc committee and shall not be subject to the Ralph M. Brown Act codified in California Section 54950 *et seq.*

Section 4: The Committee shall expire upon making its final recommendations to the entire City Council at a noticed public meeting of the City Council or December 31, 2026, whichever occurs first.

Section 5: If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 6: The recitals provided in this resolution are true and correct and are incorporated into the substantive portion of this resolution.

Section 7: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 8: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

ADOPTED this 25th day of March, 2025.

Joe Stapleton
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney