



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Public Works  
**Department No.:** 054  
**For Agenda Of:** April 4, 2023  
**Placement:** Set Hearing (4/4/23)  
Departmental (5/2/23:  
First Reading)  
Administrative (5/9/23:  
Second Reading)  
**Estimated Tme:** 15 Minutes on May 2,  
2023  
**Continued Item:** No  
**If Yes, date from:**  
**Vote Required:** Majority

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**TO:** Board of Supervisors

**FROM:** Department Scott D. McGolpin, Public Works Director, 805-568-3010  
Director(s)  
Contact Info: Leslie Wells, Deputy Public Works Director, 805-882-3605

**SUBJECT:** Ordinance Amending Chapter 17 (Solid Waste Services) of the County Code  
Regarding Minimum Number of Franchised Haulers in the Unincorporated Area

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**County Counsel Concurrence**

As to form: Yes

**Other Concurrence:** None

As to form: N/A

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors on April 4, 2023 set a public hearing on the Departmental Agenda for May 2, 2023 to consider recommendations, as follows:

- a) On May 2, 2023 consider the introduction (First Reading) of an Ordinance of the Board of Supervisors of the County of Santa Barbara amending Chapter 17 (Solid Waste Services) of the Santa Barbara County Code in the unincorporated area of the County;
- b) Read the title, "An Ordinance Amending Chapter 17 (Solid Waste Services) of the Santa Barbara County Code" and waive further reading of the Ordinance in full; and
- c) Set a hearing on the Administrative Agenda of May 9, 2023, to consider recommendations, as follows:
  - a. Adopt (Second Reading) an Ordinance of the Board of Supervisors of the County of Santa Barbara amending Chapter 17 (Solid Waste Services) of the Santa Barbara County Code; and
  - b. Determine that pursuant to CEQA Guidelines Section 15378(b)(5) that the amendment is not a project under CEQA because it is an administrative activity of government that will not result in direct or indirect physical changes in the environment.

**Summary Text:**

The proposed ordinance to amend Chapter 17 (Solid Waste Services) of the County Code would eliminate the requirement for a minimum of two franchised solid waste collectors in the unincorporated area of the county. This change would give the Board of Supervisors discretion to award franchise agreements for each of the County's five solid waste collection zones to one single company.

**Background:**

In November 2022, the County released a Request for Proposals (RFP) for solid waste collection services in Zones 4 and 5 in the unincorporated areas of the Lompoc, Santa Ynez, and Santa Maria Valleys. Four companies submitted proposals, including MarBorg Industries which currently services Zones 1, 2, and 3 in the southern and northeastern portions of the county. To enable the consideration of MarBorg Industries' proposal to service Zone 4 and Zone 5, Chapter 17 of the County Code would need to be updated, as the award of both zones would make MarBorg Industries the sole provider of franchised solid waste collection services in the unincorporated area. The ordinance update would not guarantee the award of any additional zones to MarBorg Industries but would instead allow for the company's proposal to be considered.

The existing ordinance language pertaining to the minimum number of franchised haulers was approved by the Board in November 2010. At the time, the intent was to maintain a competitive environment and motivate the County's haulers to offer new and expanded services. The County has benefited well from the competitive market and has been able to negotiate many service enhancements for customers in the unincorporated area.

The proposed ordinance update will not adversely affect the competitive process, as the County will retain the right to issue RFPs when franchise agreements expire. Each franchise zone is an exclusive service area to the selected hauler, meaning that other haulers are not permitted to provide permanent collection services in a zone for which they don't have a franchise agreement. No competition exists between haulers in this context. As such, the RFP process is the arena in which competition between companies exists. The language in this ordinance update provides the County with ultimate flexibility for franchise services because it allows the County to select one or more haulers and doesn't preclude a particular hauler simply because they provide service in other zones.

CEQA Guidelines Section 15060(c)(3) states that an activity is not subject to CEQA if it is not a project as defined in CEQA Guidelines Section 15378. CEQA Guidelines Section 15378(b)(5) states that a project does not include organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment. The change in the ordinance to allow one single company to be awarded franchise agreements for all of the County's solid waste collection zones is an administrative action and does not create physical changes to the environment.

**Fiscal and Facilities Impacts:**

Budgeted: N/A

**Fiscal Analysis:**

Narrative: Costs associated with the implementation of required programs will be covered using current appropriations.

**Special Instructions:**

Please direct the Clerk of the Board to ensure the legal noticing of the proposed modifications to the County Code in accordance with Government Code Section 25124. Please direct the Clerk of the Board to forward a certified minute order and executed copy of the ordinance and resolution to the Resource Recovery & Waste Management Division, Attn: Leslie Robinson.

**Attachments:**

Attachment A: Ordinance to Amend Chapter 17 (Solid Waste Services) of the Santa Barbara County Code

Attachment B: Strikeout Version of Ordinance to Amend Chapter 17 (Solid Waste Services) of the Santa Barbara County Code

**Authored by:**

Leslie Robinson, Program Manager, Resource Recovery & Waste Management Division, Public Works Department, x23615