

DRAFT

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE GRANTING
A COMMERCIAL SOLID WASTE AND RECYCLABLES
COLLECTION FRANCHISE TO FERMA GREENBOX, INC.**

WHEREAS, Ferma Greenbox, Inc., a California corporation, has submitted an application to the City of San José for a Commercial Solid Waste and Recyclables Collection Franchise; and

WHEREAS, on January 30, 2024, the San José City Council (“City Council”) held a public hearing to consider said application and to hear all persons desiring to be heard in favor of or in opposition to the granting of a Commercial Solid Waste and Recyclables Collection Franchise to Ferma Greenbox, Inc.; and

WHEREAS, having considered all oral and documentary evidence presented on the matter of granting such franchise, the City Council has determined that the grant of such franchise to Ferma Greenbox, Inc. is in the public interest;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. The City Council hereby grants a Commercial Solid Waste and Recyclables Collection Franchise to Ferma Greenbox, Inc., pursuant to which Ferma Greenbox, Inc. is authorized to engage in the business of collecting, transporting and disposing of Residential Clean-Out Material and Construction and Demolition Debris (“C&D Debris”) kept, accumulated or produced in the City of San José and to use the public streets and rights of way for such purpose.

SECTION 2. The grant of said Commercial Solid Waste and Recyclables Collection Franchise is expressly subject to the terms and conditions of the City Charter, Chapter 9.10 of the San José Municipal Code, this Ordinance, and the Non-Exclusive Franchise Agreement Between the City of San José and Ferma Greenbox, Inc. ("Non-Exclusive Franchise Agreement"), as such now exist or as they may hereafter be amended.

SECTION 3. The Commercial Solid Waste and Recyclables Collection Franchise hereby granted to Ferma Greenbox, Inc. will begin on the effective date of this Ordinance, per Section 605 of the City Charter, and end on December 31, 2024 inclusive. The Director of Environmental Services is authorized to extend the Non-Exclusive Franchise Agreement for up to two (2) one (1)-year terms through December 31, 2026 and is further authorized to negotiate and execute amendments to the Non-Exclusive Franchise Agreement during the term to conform with any changes to the requirements for the construction and demolition debris program.

SECTION 4. Notwithstanding Section 3 of this Ordinance and notwithstanding any provision of the Non-Exclusive Franchise Agreement, the Commercial Solid Waste and Recyclables Collection Franchise may be terminated or suspended at any time in accordance with Section 9.10.1690 of Chapter 9.10 of the San José Municipal Code.

SECTION 5. Neither the Non-Exclusive Franchise Agreement granted to Ferma Greenbox, Inc. nor this Ordinance authorizes Ferma Greenbox, Inc. to operate any landfill, recycling facility or other solid waste disposal facility.

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PASSED FOR PUBLICATION of title this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk