

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

February 16, 2022

File No. 220053 (ver2)

Lisa Gibson  
Environmental Review Officer  
Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Ms. Gibson:

The following proposed Initiative Ordinance for the June 7, 2022, Election was received and assigned to the Board of Supervisors' Rules Committee:

**File No. 220053 (ver2)**

**Motion ordering submitted to the voters at an election to be held on June 7, 2022, an Ordinance amending the Refuse Collection and Disposal Ordinance ("the Refuse Ordinance") to restructure the refuse rate-setting process to replace hearings before the Department of Public Works with a requirement that the Controller, as Refuse Rate Administrator, regularly monitor the rates and appear before the Refuse Rate Board to recommend rate adjustments; establish an appointed Ratepayer Representative to replace the Controller on the Refuse Rate Board; authorize the Refuse Rate Board to set commercial rates; require a competitive process for all existing and future refuse collection permits; authorize the Board of Supervisors on recommendation of the Refuse Rate Administrator, Refuse Rate Board, and Mayor to amend the Refuse Ordinance by eight-vote supermajority; and fully codifying the Refuse Ordinance in the Health Code.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in black ink that reads "Victor Young".

By: Victor Young, Assistant Clerk  
Rules Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer  
Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning  
Laura Lynch, Environmental Planning

[Initiative Ordinance - Health Code - Refuse Collection and Disposal Ordinance]

1  
2 **Motion ordering submitted to the voters at an election to be held on June 7, 2022, an**  
3 **Ordinance amending the Refuse Collection and Disposal Ordinance (“the Refuse**  
4 **Ordinance”) to restructure the refuse rate-setting process to replace hearings before**  
5 **the Department of Public Works with a requirement that the Controller, as Refuse Rate**  
6 **Administrator, regularly monitor the rates and appear before the Refuse Rate Board to**  
7 **recommend rate adjustments; establish an appointed Ratepayer Representative to**  
8 **replace the Controller on the Refuse Rate Board; authorize the Refuse Rate Board to**  
9 **set commercial rates; require a competitive process for all existing and future refuse**  
10 **collection~~route~~ permits; authorize the Board of Supervisors on recommendation of the**  
11 **Refuse Rate Administrator, Refuse Rate Board, and Mayor to amend the Refuse**  
12 **Ordinance by eight-vote supermajority~~vote~~; and fully codifying the Refuse Ordinance in**  
13 **the Health Code.**

14  
15  
16 MOVED, That the Board of Supervisors hereby submits the following ordinance to the  
17 voters of the City and County of San Francisco, at an election to be held on June 7, 2022.

18 **Ordinance amending the Refuse Collection and Disposal Ordinance (“the Refuse**  
19 **Ordinance”) to restructure the refuse rate-setting process to replace hearings before**  
20 **the Department of Public Works with a requirement that the Controller, as Refuse Rate**  
21 **Administrator, regularly monitor the rates and appear before the Refuse Rate Board to**  
22 **recommend rate adjustments; establish an appointed Ratepayer Representative to**  
23 **replace the Controller on the Refuse Rate Board; authorize the Refuse Rate Board to**  
24 **set commercial rates; require a competitive process for all existing and future refuse**  
25

1 ~~collection~~route permits; authorize the Board of Supervisors on recommendation of the  
2 Refuse Rate Administrator, Refuse Rate Board, and Mayor to amend the Refuse  
3 Ordinance by eight-vote supermajority ~~vote~~; and fully codifying the Refuse Ordinance in  
4 the Health Code.

5 NOTE: **Unchanged Code text and uncodified text** are in plain font.  
6 **Additions to Codes** are in single-underline italics Times New Roman font.  
7 **Deletions to Codes** are in ~~strikethrough italics Times New Roman font~~.  
8 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or  
9 parts of tables.

8

9 Be it ordained by the People of the City and County of San Francisco:

10

11 Section 1. Title.

12 This Ordinance shall be known as “The Refuse Rate Reform Ordinance Of 2022.”

13

14 Section 2. Background and Purpose.

15 (a) The City regulates the collection and disposal of refuse via the Refuse Collection  
16 and Disposal Ordinance, an uncodified ordinance that the voters adopted in 1932 and have  
17 not amended since 1960. Starting in 2020, a series of public reports revealed that the City’s  
18 refuse collection system was in need of reform, as evidenced by Recology, the City’s sole  
19 permittee, overcharging San Francisco residents and businesses by almost \$100 million. The  
20 City corrected this error, but even afterwards continued to have significant concerns that  
21 Recology’s expenses may have been inflated and had difficulty ascertaining answers because  
22 of the lack of transparency in the current regulatory structure.

23 (b) The purpose of this ordinance is to reform and modernize the City’s process for  
24 setting residential refuse rates to be more fair, transparent, and accountable; and to help the  
25 City continue to pursue its Zero-Waste goals. To achieve these multiple purposes, the People

1 of the City and County of San Francisco hereby establish the following principles to govern  
2 this process:

- 3 • ~~Residential~~ Refuse service shall be cost-effective and meet established service  
4 standards and environmental goals;
- 5 • The ~~residential~~ refuse rate structure shall encourage rate stability and ensure rates  
6 are reasonable and fair;
- 7 • The process used to establish and monitor rates shall be transparent, accountable,  
8 and publicly accessible;
- 9 • The work of the Refuse Rate Board and the City Controller, who shall act as Refuse  
10 Rate Administrator, shall be conducted in line with high professional ethical  
11 standards.

12 (c) This ordinance also directs the City to develop procedures to terminate and re-  
13 issue refuse collection permits following an open and competitive process; and authorizes the  
14 Board of Supervisors, on recommendation of the Refuse Rate Administrator and the Refuse  
15 Rate Board and the Mayor, to update the Refuse Collection and Disposal Ordinance, as  
16 codified in Health Code Section 290 by this ordinance, from time to time, so that the  
17 Ordinance can continue to meet the above standards well into the future.

18  
19 Section 3. Article 6 of the Health Code is hereby amended by revising Section 290, to  
20 read as follows:

21 **SEC. 290. REFUSE COLLECTION AND DISPOSAL ORDINANCE NO. 17.083.**

22 This Section 290 (encompassing Sections 290.1 through 290.17, collectively referred to as  
23 “Section 290”) is enacted to set forth portions of the Refuse Collection and Disposal Ordinance  
24 No. 17.083 (adopted as Proposition 6, November 8, 1932, and reprinted in the Appendix A to the  
25 Administrative Code) of the San Francisco City Charter, as it has been amended via Ordinance No. 16

1 (November 5, 1946), Proposition C (June 8, 1954), and Proposition F (June 7, 1960), and as it may be  
2 further amended from time to time.~~heretofore has been adopted to read as follows~~

3 **"Section 290.1.** The term "refuse" as used in this ~~ordinance~~Section 290 shall ~~be taken to~~  
4 mean all waste and discarded materials from dwelling places, households, apartment houses,  
5 stores, office buildings, restaurants, hotels, institutions, and all commercial establishments,  
6 including waste or discarded food, animal and vegetable matter from all kitchens thereof,  
7 waste paper, cans, glass, ashes, and boxes and cutting from trees, lawns, and gardens.

8 "Refuse" as used herein includes recyclables, compostables, and trash, but does not include debris  
9 and waste construction materials, ~~(including; wood, brick, plaster, glass, cement, and wire; and~~  
10 other ferrous materials; derived from the construction of or the partial or total demolition of  
11 buildings or other structures) or hazardous waste, as those terms are defined in Chapter 19 of the  
12 Environment Code as it may be amended from time to time.

13 **"Section 290.2.** It shall be unlawful for any person, firm, or corporation to dispose of  
14 refuse as defined in Section 290.1 ~~this ordinance~~ except as ~~herein~~ provided in this Section 290;  
15 ~~save that the provisions of this ordinance shall not include refuse which may be incinerated by an~~  
16 ~~owner of a building for himself or for his tenants on the premises where produced; provided, however,~~  
17 ~~that such incineration shall be subject to inspection and control by the Director of Public Health and~~  
18 ~~the Fire Department.~~ Failure of any householder producing refuse to subscribe to and pay for  
19 refuse collection, unless such householder is a tenant for whom refuse collection service is  
20 provided by ~~his~~their landlord, shall be prima facie evidence that such householder is disposing  
21 of refuse in violation of this Section 290~~ordinance~~.

22 **"Section 290.3.** Refuse ~~consisting of waste or discarded food, animal and vegetable~~  
23 ~~matter, discharged containers, of food, animal and vegetable matter and ashes~~ shall be collected and  
24 placed in ~~suitable metal cans of such capacity as the Director of Public Works~~ secure containers in a  
25 manner as may be prescribed by law ~~(but not to exceed 32 gallons in the case of a can serving one~~

1 ~~single family dwelling unit) by the producer or landlord who by reason of contract or lease with an~~  
2 ~~occupant is obligated to care for such refuse, for collection by a refuse collector to be disposed of~~  
3 ~~as provided in this Section 290as herein provided. Waste paper and boxes and other refuse materials~~  
4 ~~not subject to putrefaction or decay, and cuttings from trees, lawns and gardens may be placed in any~~  
5 ~~suitable container and delivered by the producer or landlord, who by reason of contract or lease with~~  
6 ~~the occupant is obligated to care for such refuse and deliver same to a refuse collector, to be disposed~~  
7 ~~as herein provided; provided, however, that it shall be optional with the producer or landlord to~~  
8 deliver waste paper or other refuse having a commercial value to a refuse collector, and the  
9 producer or landlord may dispose of the same in any manner ~~hethey~~ may see fit in accordance  
10 with law. ~~(Refuse which under the provisions hereof must be deposited in a metal can of suitable~~  
11 ~~capacity shall be removed daily from the place where the same is created at a frequency in~~  
12 ~~accordance with law.)~~

13 **"Section 290.4.** (a) It shall be unlawful for any person, firm, or corporation, other than  
14 a refuse collector licensed by the Director of Public Health as in the ordinance provided in this  
15 Section 290, to transport through the streets of the City and County of San Francisco any  
16 refuse as in this ordinance defined, or to collect or to dispose of the same, except waste paper,  
17 or other refuse having a commercial value." It is provided, however, that a license for a refuse  
18 collector, as provided in Section 290.8, shall be distinguished from a permit to operate in the City and  
19 County of San Francisco on a certain designated route, under this Section 290.4.

20 (b) It shall be unlawful for any person, firm or corporation to transport through the streets of  
21 the City and County of San Francisco any refuse, or to collect or dispose of the same, without first  
22 obtaining a permit from the Department of Public Health.

23 (c) Ordinance No. 17-083 divided the City and County of San Francisco into routes for the  
24 collection of refuse, as designated on a map of the City, each route to include only the side of the street  
25 or streets bounding each route as designated by a number on said map, said routes being numbered 1

1 to 97, inclusive. Said map and said routes were marked Exhibit A and are attached to and were made a  
2 part of Ordinance No. 17-083, and permits for said routes were originally issued under the authority of  
3 Ordinance No. 17-083. The Department of Public Health shall, consistent with this Section 290.4,  
4 develop a process for terminating the permits for the 97 routes by operation of law, soliciting proposals  
5 from interested applicants (including but not limited to the existing permitted refuse collectors), and  
6 issuing new route permits. By no later than November 1, 2022, the Department of Public Health shall  
7 advertise on its website the opportunity to apply for said permits and shall provide information  
8 regarding the procedures that shall govern the review of any applications received. Applications shall  
9 be submitted to the Director of Public Health, and shall include the name of the applicant; any of the  
10 particular routes that the applicant proposes to serve; a statement that the applicant will abide by all  
11 the provisions of this Section 290 and will not charge a greater rate for the collection and disposition  
12 of said refuse than that fixed in or pursuant to this Section 290; evidence regarding the applicant's  
13 ability to minimize disruptions in service (a certification that the applicant has appointed one or more  
14 employee representatives to its governing board may suffice to make this showing); and any other  
15 information that the Director of Public Health may reasonably require to ensure that refuse service  
16 remains cost-effective, consistent with established service standards and environmental goals, and  
17 promotes stability and fairness in the rates.

18 (d)(e) Following review of the applications, and subject to any required environmental review  
19 and approval by the Health Commission, the Director of Public Health shall issue permits no later than  
20 April 1, 2023, to take effect on July 1, 2023. The existing permits for the 97 routes shall cease to be  
21 effective as of July 1, 2023, and shall be superseded by the new route permits, notwithstanding any  
22 language in the existing permits or in Ordinance No. 17-083, as amended, to the contrary. The new  
23 permits, and any additional permits, shall be non-exclusive in that more than one refuse collector may  
24 be given a permit to operate within the same route, in the Director's discretion.

1            (e)(d) The Director of Public Health may revoke or modify a permit upon seven days' written  
2 notice to the permittee, if the permittee has violated this Section 290, or if the Director finds there is ~~is~~  
3 ~~the event of~~ inadequate service. The permit must be revoked or modified, however, and it is mandatory  
4 on the Director to revoke or modify the permit, after providing seven days' notice, if 20% or more of  
5 the householders, businesses, apartment house owners, hotel keepers, institutions, or residents in said  
6 route or routes, using refuse service, and paying for same, or obligated to do so, have signed a petition  
7 or contract in which they have stated that they are inadequately served by the refuse collector who is  
8 then collecting refuse on said route or routes, provided that the Director finds upon substantial  
9 evidence that such statement is correct. Inadequate service is defined as the failure, on the part of any  
10 refuse collector to properly collect, handle, or transport refuse on said route, or the overcharging for  
11 the collection of same, or insolence towards persons whose refuse has been collected, or the collection  
12 by any refuse collector whose license has been revoked as provided in Section 290.9 hereof. In either  
13 case, the permittee shall have 30 days to appeal the Director's decision to the Health Commission.

14            (f)(e) Further, upon the conviction of any person, firm, or corporation for any violation of the  
15 provisions of this Section 290, the permit of such person, firm, or corporation shall be forthwith and  
16 immediately terminated and canceled by operation of law as of the date of conviction.

17            \* \*

18            (g) "Persons, firms or corporations desiring to transport through the streets of the City  
19 and County of San Francisco only waste paper or other refuse having commercial value, and  
20 to collect and dispose of same need not obtain a permit therefor under the provisions of this  
21 ordinanceSection 290."

22            Section 290.5. Refuse collected by refuse collectors shall be disposed of by such persons,  
23 firms, or corporations and in such manner or by such method or methods as from time to time  
24 designated by law. The maximum rate or charge for the disposal of refuse to be charged the refuse  
25 collector by any person, firm, or corporation authorized by the Board of Supervisors to dispose of



1 refuse shall be set by the Refuse Rate Board, and those rates or charges may be adjusted from time to  
2 time, in the same manner and in accordance with the same procedures as is provided for the  
3 adjustment of rates and charges for the collection of refuse in Section 290.6.

4 **Section 290.6.** (a) The maximum rates or charges for the collection and disposition of refuse  
5 by refuse collectors from residences, flats, and apartment houses of not more than 600 rooms, and the  
6 regulations relating to such rates or charges, shall be set by order of the Refuse Rate Board. In  
7 determining the number of rooms of any household, building or apartment in order to ascertain the rate  
8 for the collection and disposition of refuse therefrom, halls, alcoves, storerooms, bathrooms, closets,  
9 and toilets shall not be considered as rooms, nor shall basements or attics be considered as rooms  
10 unless the same be occupied as living quarters.

11 **(b) Procedure for Adjustment.**

12 (1) There is hereby created a Refuse Rate Board consisting of the City Administrator,  
13 who shall act as chairperson, the General Manager of the San Francisco Public Utilities Commission,  
14 and a Ratepayer Representative who shall be appointed pursuant to Section 3.100(18) of the Charter of  
15 the City and County of San Francisco. The Ratepayer Representative shall be recommended by The  
16 Utility Reform Network or any other entity that is dedicated to protecting ratepayers that the Board of  
17 Supervisors has designated by resolution, and shall have professionally relevant experience in  
18 operations, finance, utilities regulation, the refuse industry, or other related fields. The City  
19 Administrator and General Manager of the San Francisco Public Utilities Commission may from time  
20 to time designate a subordinate from their own departments to act in their place and stead as members  
21 of the Refuse Rate Board.

22 (2) The Refuse Rate Board shall convene upon call of the chairperson or the other two  
23 members, and two members shall constitute a quorum. The Refuse Rate Board shall act by majority  
24 vote. The Refuse Rate Board shall adopt and adhere to a code of conduct, including limitations on ex  
25 parte communications during the rate setting process.

1                   (3) The Refuse Rate Board shall receive assistance from the Refuse Rate Administrator.  
2 The Controller shall serve as the Refuse Rate Administrator and may designate staff from the  
3 Controller's Office to perform or assist with this function. The Refuse Rate Administrator shall be  
4 responsible for proposing new rates (including adjustments to existing rates) to the Refuse Rate Board  
5 on the timeline established by the Refuse Rate Board in its prior rate order, monitoring the financial  
6 and operational performance of refuse collectors, performing studies and investigations, and advising  
7 the Refuse Rate Board as may be deemed necessary to ensure the rates are just and reasonable, taking  
8 into account any applicable service standards and environmental goals as established by law. The  
9 Refuse Rate Administrator shall present information to the Commission on the Environment and the  
10 Sanitation and Streets Commission, at separate or joint public hearing(s), the time and place of which  
11 shall be noticed not less than 20 days in advance at least once in an official newspaper of the City and  
12 County of San Francisco, to solicit comment from the commissions and interested members of the  
13 public, before submitting proposed rates to the Refuse Rate Board. The Refuse Rate Administrator may  
14 also consult with the refuse collector(s), the Department of the Environment, the Department of  
15 Sanitation and Streets, and other City agencies and others, and may conduct public hearings, as the  
16 Refuse Rate Administrator deems appropriate.

17                   (4) Any person, firm, or corporation (including any holder of a permit to collect and  
18 dispose of refuse) affected by the rates, or by the proposed rates, and desiring an increase, decrease, or  
19 other adjustment or change in, or addition to, such rates or schedules or the regulations appertaining,  
20 may also file a written objection with the Refuse Rate Administrator. The Refuse Rate Administrator  
21 shall consider all objections, and shall address them at the hearing of the Refuse Rate Board on the  
22 proposed rates.

23                   (5) The Refuse Rate Board shall commence the public hearing within 30 days after  
24 receipt of the Refuse Rate Administrator's rate proposal. The time and place of the hearing shall be  
25 noticed not less than 20 days in advance at least once in an official newspaper of the City and County

1 of San Francisco. The Refuse Rate Board shall be empowered to make or cause to be made such  
2 studies and investigations as it may deem pertinent, and to introduce the results of such studies and  
3 investigations in evidence. Any person, firm, or corporation affected by the proposed rates shall be  
4 entitled to appear at the hearing and be heard. Any such person, firm, or corporation desiring notice  
5 of further proceedings or action upon the application may file with the Refuse Rate Board a written  
6 request for such notice, setting forth their name and contact information.

7 (6) The Refuse Rate Board is authorized~~recommended~~ to obtain financial audits of  
8 regulated revenues and expenses of the refuse collector(s) and refuse disposer(s), performed by an  
9 external auditor selected by the Refuse Rate Board in accordance with the Charter. The Refuse Rate  
10 Board shall also adopt performance standards for refuse collectors and refuse disposers, and shall  
11 endeavor to maintain rate stability and accountability and an annual accounting of actual versus  
12 projected expenditures and revenues of the refuse collectors and refuse disposers, through means such  
13 as the establishment of balancing accounts, rate stabilization funds, or similar features.

14 (7) Upon conclusion of the hearing, the Refuse Rate Board shall adopt an order setting  
15 forth the facts based on the evidence taken and record made at the hearing. The order, if it provides  
16 for any change in the rates, schedules of rates, or regulations then in effect, shall set forth the date that  
17 the change is to take effect, which date shall be not less than 15 days from the date of the order. The  
18 order shall remain in effect for a term of at least two years but not to exceed five years, as specified by  
19 the Refuse Rate Board. Any revised rates, schedules of rates, or regulations placed in effect pursuant  
20 hereto shall be just and reasonable.

21 (8) The Refuse Rate Administrator shall publish the order in an official newspaper of  
22 the City and County of San Francisco, and shall provide notice of the order to all who shall have filed  
23 written requests for notice as set forth in subsection (b)(5). After the order takes effect, the Refuse Rate  
24 Administrator shall monitor the rates and shall update the Refuse Rate Board at least once per year, or  
25 more frequently as directed by the Refuse Rate Board.

1           (9) Nothing in this Section 290 shall prohibit the Refuse Rate Administrator, a refuse  
2 collector, or any member of the public from petitioning the Refuse Rate Board to adjust the rates  
3 during the term of an existing order; provided, however, that it shall be the policy of the Refuse Rate  
4 Board not to adjust the rates during the term of an existing rate order unless necessary due to  
5 extraordinary or unforeseen circumstances.

6           (c) The Refuse Rate Board may also use the procedures for adjustment in subsection (b) to  
7 adopt orders regarding the maximum rates or charges for establishments other than residences, flats,  
8 and apartment houses of not more than 600 rooms, except as prohibited by state or federal law, and  
9 provided that all rates set under this Section 290.6 remain reasonable and fair.

10           **Section 290.7.** It shall be unlawful for any refuse disposer or refuse collector to charge a  
11 greater rate for the disposal of refuse or for the collection and disposition of refuse than that fixed in,  
12 or pursuant to, Sections 290.5 and 290.6. Nothing in this Section 290 shall be taken or construed as  
13 preventing a refuse disposer or a refuse collector from charging a lesser rate or charge for the disposal  
14 of refuse or for the collection and disposition of refuse than that fixed in, or pursuant to, Sections 290.5  
15 and 290.6.

16           **Section 290.8.** Each refuse collector shall be licensed by the Director of Public Health. The  
17 fees for said licenses shall be governed by Business and Tax Regulations Code Section 249.6, as it may  
18 be amended from time to time. Each vehicle in which refuse is transported through the streets shall be  
19 assigned a number by the Director of Public Health and the number thereof shall be plainly marked  
20 thereon.

21           **Section 290.9.** The license, as distinguished from a permit herein, of any refuse collector,  
22 may be revoked by the Director of Public Health for failure on the part of the refuse collector to  
23 properly collect refuse, or for overcharging for the collection of same, or for insolence towards persons  
24 whose refuse they are collecting, and it shall be unlawful for any person whose license is so revoked to  
25 collect refuse in the City and County of San Francisco. No license of a refuse collector shall be

1 revoked except upon a hearing of which the refuse collector has been given a notice of at least three  
2 days.

3 Section 290.10. Upon the payment of the rate fixed in or pursuant to Section 290.6, the  
4 person paying the same shall receive a receipt from the refuse collector identifying the name of the  
5 collector, the amount paid, the date of payment, the premises for which the payment was made, and  
6 such other information as the Department of Public Health may require to ensure accuracy with  
7 respect to the imposition and collection of charges for refuse.

8 "Section 290.11. Disputes over charges made by collectors or as to the character of  
9 the service performed shall be decided by the Director of Public Health. Any charges made in  
10 excess of rates fixed pursuant to this Section 290~~ordinance~~, when determined by the Director of  
11 Public Health, shall be refunded to the person or persons who paid the excess charge.

12 "Section 290.12. A refuse collector shall be entitled to payment for the collection of  
13 refuse at the end of each month from each householder or landlord served by ~~him~~the collector  
14 and from whom the payment is due."

15 "Section ~~290.13~~14. Any person, firm, or corporation who shall violate any of the  
16 provisions of this ~~ordinance~~ Section 290 shall be guilty of a misdemeanor, and upon conviction  
17 thereof, shall be punished by a fine not to exceed \$500 or by imprisonment in the County Jail  
18 for not more than six months, or by both such fine and imprisonment.

19 Section 290.14. (a) The Refuse Rate Administrator shall furnish the Director of Public Health  
20 with such financial data, including data as to the cost of refuse collections, as may be required to  
21 enable the Director to perform the Director's functions under this Section 290.

22 (b) Each refuse collector holding a permit shall keep such records and render such reports as  
23 may be required by the Refuse Rate Administrator to enable the Refuse Rate Administrator to develop  
24 the above-mentioned data, and the Refuse Rate Administrator shall have access to such records.

1           **Section 290.15.** On recommendation of the Refuse Rate Administrator and the Refuse Rate  
2 Board and the Mayor, and by supermajority of at least ~~eight~~<sup>seven</sup> votes, the Board of Supervisors may  
3 by ordinance amend any portion of this Section 290, except that the Board of Supervisors may not alter  
4 the composition of the Refuse Rate Board or eliminate the requirement that refuse rates shall be  
5 approved by order of the Refuse Rate Board. Further, any such amendments must further one or more  
6 of the following purposes: (1) to ensure that refuse service remains cost-effective and can meet  
7 established service standards and environmental goals; (2) to promote stability in the rate structure  
8 and enable rates that are reasonable and fair; (3) to ensure the process for setting and monitoring  
9 rates is transparent, accountable, and publicly-accessible; or (4) to ensure the Refuse Rate Board and  
10 Refuse Rate Administrator conduct their duties under this Section 290 in line with high professional  
11 ethical standards. The foregoing grant of authority to the Board of Supervisors to adopt legislation  
12 concerning permits shall not be interpreted to affect or impair the authority that the Department of  
13 Public Health currently has, absent such legislation, with regard to the issuance or renewal or  
14 termination of permits. In addition, this Section 290.15 does not affect or impair the ability of the  
15 voters of the City and County of San Francisco to adopt future initiative ordinances to amend any  
16 portion of this Section 290.

17           **Section 290.16.** If any section, subsection, sentence, clause, phrase, or word of this Section  
18 290, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional  
19 by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the  
20 remaining portions or applications of this Section 290. The People of the City and County of San  
21 Francisco hereby declare that they would have adopted this Section 290 and each and every section,  
22 subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard  
23 to whether any other portion of this Section 290 or application thereof would be subsequently declared  
24 invalid or unconstitutional.

1            *Section 290.17. In enacting and implementing this Section 290, the City and County of San*  
2 *Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it*  
3 *imposing on its officers and employees, an obligation for breach of which it is liable in money damages*  
4 *to any person who claims that such breach proximately caused injury.*

5  
6            Section 4. Nature of Ordinance.

7            (a) Health Code Section 290 currently contains portions of the City’s Refuse Collection  
8 and Disposal Ordinance (“Refuse Ordinance”) (Ordinance No. 17-083), which the People of  
9 the City and County of San Francisco adopted via Proposition 6 (November 8, 1932). The  
10 People subsequently amended the Refuse Ordinance three times, via Ordinance No. 16  
11 (November 5, 1946), Proposition C (June 8, 1954), and Proposition F (June 7, 1960). The  
12 entire Refuse Ordinance has not heretofore been codified in Health Code Section 290.

13            (b) In enacting this ordinance, the People of the City and County of San Francisco  
14 intend to codify the entire Refuse Ordinance, including the three amendments referenced in  
15 subsection (a), at Health Code Section 290. But the People also intend to further amend the  
16 entire Refuse Ordinance. As a result, the entirety of the Refuse Ordinance, including as  
17 amended by this ordinance, will be in Health Code Section 290.

18            (c) Because this ordinance in part codifies previously uncodified text, some text in the  
19 ordinance that is shown as additions to text in accordance with the “Note” that appears under  
20 the official title of the ordinance actually does not change the law, but merely reflects that  
21 previously uncodified text has now been codified.

22  
23            Section 5. Conflicting Ballot Measures. In the event that this measure and another  
24 measure relating to refuse collection shall appear on the same municipal election ballot, the  
25 provisions of such other measure shall be deemed in conflict with this measure. In the event

1 that this measure shall receive a greater number of affirmative votes, the provisions of this  
2 measure shall prevail in their entirety and each and every provision of the other measure that  
3 conflicts, in whole or in part, with this measure shall be null and void in its entirety.

4

5 APPROVED AS TO FORM:

6 DAVID CHIU, City Attorney

7

8 By: /s/  
9 MANU PRADHAN  
Deputy City Attorney

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