



CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Lee Price, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28687**", the original copy of which is attached hereto, was passed for publication of title on the **15th day of December, 2009**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **12th day of January, 2010**, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: NONE

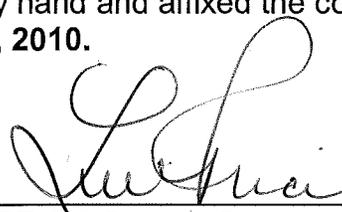
DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **12th day of February, 2010**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **13th day of January, 2010**.

(SEAL)



LEE PRICE, MMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 28687

**AN ORDINANCE OF THE CITY OF SAN JOSE GRANTING A
COMMERCIAL SOLID WASTE AND RECYCLABLES
COLLECTION FRANCHISE TO LAM HAULING**

WHEREAS, LAM HAULING has submitted an application to the City of San José for a Commercial Solid Waste and Recyclables Collection Franchise; and

WHEREAS, on December 15, 2009, the 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 LAM HAULING; 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 LAM HAULING 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 LAM HAULING, pursuant to which LAM HAULING is authorized to engage in the business of collecting, transporting and disposing of Commercial Solid Waste and Recyclables 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 Commercial Solid Waste and Recyclables Collection Franchise Agreement Between the City of San José and LAM HAULING ("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 LAM HAULING shall be for a term commencing February 12, 2010, and ending on June 30, 2012. The Council hereby authorizes the Director of Environmental Services, in the Director's discretion, to extend the term of this Franchise for up to three one-year increments by providing written notice to LAM HAULING; provided, however, that no such

extension of the term of this Franchise shall become effective unless and until accepted in writing by LAM HAULING.

SECTION 4. Notwithstanding Section 3 of this Ordinance and notwithstanding any provision of the 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 Commercial Solid Waste and Recyclables Collection Franchise Agreement granted to LAM HAULING nor this ordinance authorizes LAM HAULING operate any landfill, recycling facility or other solid waste disposal facility.

PASSED FOR PUBLICATION OF TITLE this 15th day of December, 2009, by the following vote:

AYES:

NOES:

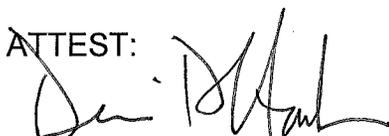
ABSENT:

DISQUALIFIED:



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk