



Office of the Los Angeles City Attorney
Hydee Feldstein Soto

REPORT NO. R25-0442
SEPT 7, 2025

REPORT RE:

DRAFT ORDINANCE AMENDING SUBSECTIONS (a) AND (d) OF SECTION 66.40, SUBSECTIONS (a) AND (b) OF SECTION 66.41, AND SUBSECTION A OF SECTION 66.48, OF ARTICLE 6.1, CHAPTER VI OF THE LOS ANGELES MUNICIPAL CODE, TO AMEND THE SOLID WASTE COLLECTION, TRANSFER, RECYCLING, RECOVERY OF WASTE RESOURCES, AND DISPOSAL FEE AND THE LOW-INCOME CUSTOMER ASSISTANCE PROGRAM, AND AMENDING SUBSECTION (a) OF SECTION 5.121.5 OF ARTICLE 7, CHAPTER 6, DIVISION 5 OF THE LOS ANGELES ADMINISTRATIVE CODE TO CHANGE THE FUND ADMINISTRATOR FOR THE SOLID WASTE RESOURCES SPECIAL REVENUE FUND

The Honorable City Council
of the City of Los Angeles
Room 395 City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 23-0600-S9

Honorable Members:

On April 11, 2025, the City Council requested that this Office draft an ordinance amending Article 6.1, Chapter VI of the Los Angeles Municipal Code (LAMC), Article 7, Chapter 6, Division 5 of the Los Angeles Administrative Code (LAAC), and any associated LAMC and LAAC sections, to adjust the rates and low income customer assistance programs for the Solid Waste Collection, Transfer, Recycling, Recovery of Waste Resources and Disposal Fee (Solid Resources Fee), the Multi-Family Bulky Item Fee, and the Extra Capacity Refuse Collection Fee, and to designate the Bureau of

Sanitation as the fund administrator for the special revenue funds for the Solid Resources Fee and the Multi-Family Bulky Item Fee.

This Office has prepared separate ordinances for the amendments relating to the Solid Resource Fee, Multi-Family Bulky Item Fee, and Extra Capacity Refuse Collection Fee, and now transmits for your consideration the enclosed draft ordinance amending Sections LAMC 66.40 and 66.41 to adjust the Solid Resources Fee and the Solid Resources Fee Low Income Customer Assistance Program, and amending LAAC 5.121.5 to amend the Solid Waste Resources Special Revenue Fund, approved as to form and legality. The draft ordinances associated with the Multi-Family Bulky Item Fee and the Extra Capacity Refuse Collection Fee are being transmitted under separate reports.

State law, including the California Constitution (Articles XIII C & D), Government Code (Section 53750 *et seq.*), and Health and Safety Code (Section 5470 *et seq.*), authorizes the City to set or adjust fees and charges for services and facilities furnished in connection with its “sanitation or sewerage systems, including garbage and refuse collection.” See, e.g., Cal. Health & Safety Code §5470(f). Pursuant to the City Charter and Council Rules, this ordinance may be adopted by a unanimous vote of all the members of Council or, if the ordinance requires a second reading, then by a majority vote. However, Health and Safety Code Section 5472 provides that if the legislative body approves the ordinance by a two-thirds vote of its members, then refund claims (if any) are subject to the procedure dictated by Health and Safety Code Section 5472 and class claims would be prohibited.

California Environmental Quality Act (CEQA) Findings

CEQA does not apply to the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. State CEQA Guidelines Section 15378(b)(4). The draft ordinance is, therefore, not subject to CEQA because it does “not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.” Any CEQA-defined projects constructed from the funds received from the enactment of this ordinance will be subject to a project-specific CEQA process before construction.

Fee Adoption Notice to Requesting Parties

We note that, because this ordinance would increase a fee that is subject to the provisions of Government Code Section 66016, notice of its proposed adoption should be given in accordance with the provisions of that section, which include a requirement to provide 14 days written notice to any interested party who has filed a written request

with the City for such notice. Because separate notice requirements apply and have been complied with, the publication of notice, pursuant to Government Code Sections 66018 and 6062a, does not apply in this instance.

Council Rule 38 Referral

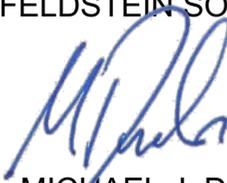
Pursuant to Council Rule 38, a copy of the draft ordinance was sent to the Department of Public Works - Bureau of Sanitation, the City Administrative Officer, the Department of Water and Power, and the Housing Department, with a request that any comments be transmitted directly to City Council or its Committees when the matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Thomas F. Costello-Vega at (213) 978-8130. A member of this Office will be available when you consider this matter to answer questions you may have.

Sincerely,

HYDEE FELDSTEIN SOTO, City Attorney

By



MICHAEL J. DUNDAS
Chief Assistant City Attorney

MJD:TCV:ev
Transmittal