

**CERTIFIED COPY**

RESOLUTION NO. 08-08-05-02

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
CAPISTRANO, CALIFORNIA, SUPPORTING LEGISLATION FOR  
EXTENDED PRODUCER RESPONSIBILITY**

WHEREAS, on February 8, 2006 California's Universal Waste Rule (CCR, Title 22, Division 4.5, Chapter 23) became effective; and

WHEREAS, the Universal Waste Rule bans landfill disposal of certain products that are deemed hazardous, including household batteries, fluorescent bulbs and tubes, thermostats and other items that contain mercury, as well as electronic devices such as video cassette recorders, microwave ovens, cellular phones, cordless phones, printers, and radios; and

WHEREAS, it is anticipated that the list of Universal and other waste products determined to be hazardous and therefore banned from landfills will continue to grow as demonstrated by the ban of treated wood effective January 2007 and sharps in September 2008; and

WHEREAS, state policies currently make local governments responsible for achieving waste diversion goals and enforcing product disposal bans, both of which are unfunded mandates; and

WHEREAS, Universal Waste management costs are currently paid by taxpayers and rate payers of the San Juan Capistrano area and are expected to increase substantially in the short term unless policy changes are made; and

WHEREAS, local governments have no input on the design of the products, make no profit from the products, and do not have the resources to adequately address the rising volume of discarded products; and

WHEREAS, since local governments and ratepayers, rather than product manufacturers, currently bear the costs to properly manage universal waste, they are in effect subsidizing the production of universal waste, hazardous products and products designed for disposal; and

WHEREAS, the City Council of the City of San Juan Capistrano supports statewide efforts to hold producers responsible for Universal Waste products and other product waste management costs; and

WHEREAS, there are significant environmental and human health impacts associated with improper management of Universal Waste, sharps, and other products; and

WHEREAS, Extended Producer Responsibility (EPR) is a policy approach in which producers assume responsibility for management of waste products and which has been shown to be effective; and

WHEREAS, when producers are responsible for ensuring their products are reused or recycled responsibly, and when health and environmental costs are included in the product price, there is an incentive to design products that are more durable, easier to repair and recycle, and less toxic; and

WHEREAS, EPR framework legislation establishes transparent and fair principles and procedures for applying EPR to categories of products for which improved design and management infrastructure is in the public interest; and

WHEREAS, the California Integrated Waste Management Board is currently considering sponsoring EPR legislation, and

NOW, THEREFORE BE IT RESOLVED that the Council of the City of San Juan Capistrano urges the California Integrated Waste Management Board to continue taking timely action to implement the framework for an EPR System in California to manage Universal and other wastes; and

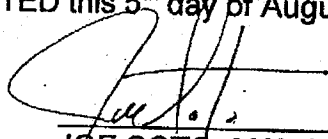
BE IT FURTHER RESOLVED, that the Council of the City of San Juan Capistrano urges the California Legislature to enact framework EPR legislation that shifts Universal and other waste management costs from local government to the producers of the product, and which will give producers the incentive to redesign products to make them less toxic and easier to reuse and recycle; and

BE IT FURTHER RESOLVED, that the City of San Juan Capistrano encourages all manufacturers to share in the responsibility for eliminating waste through minimizing excess packaging, designing products for durability, reusability and the ability to be recycled; using recycled materials in the manufacture of new products; and providing financial support for collection, processing, recycling, or disposal of used materials; and

BE IT FURTHER RESOLVED, that the City of San Juan Capistrano hereby authorizes the Mayor to send a letter to the League of California Cities, the California State Association of Counties, and the California Integrated Waste Management Board and the California State legislators representing San Juan Capistrano to urge support for extended producer responsibility legislation, and

BE IT FURTHER RESOLVED, the City Council of the City of San Juan Capistrano directs city staff to make appropriate consideration in the city's procurement process to give extra credit in competitive bidding situations to those companies complying with this policy."

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of August 2008

  
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JOE SOTO, MAYOR

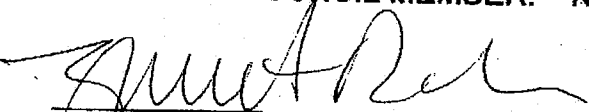
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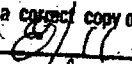
  
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MARGARET MONAHAN, CITY CLERK

STATE OF CALIFORNIA                    )  
COUNTY OF ORANGE                    ) ss.  
CITY OF SAN JUAN CAPISTRANO        )

I, MARGARET R. MONAHAN, appointed City Clerk of the City of San Juan Capistrano, do hereby certify that the foregoing **Resolution No. 08-08-05-02** was duly adopted by the City Council of the City of San Juan Capistrano at a Regular meeting thereof, held the 5<sup>th</sup> day of August 2008, by the following vote:

AYES:            COUNCIL MEMBERS: Allevato, Nielsen, Hribar, Uso and Mayor Soto  
NOES:           COUNCIL MEMBER:   None  
ABSENT:        COUNCIL MEMBER:   None

  
\_\_\_\_\_  
MARGARET R. MONAHAN, City Clerk

The foregoing instrument is a correct copy of the original on file in this office. Attest:  20 08  
City Clerk of the City of San Juan Capistrano, County of Orange, State of California.  
By: 