



**COUNCILMEMBER SEAN ELO-RIVERA
NINTH COUNCIL DISTRICT**

M E M O R A N D U M

DATE: July 14, 2021

TO: Andrea Tevlin, Independent Budget Analyst

FROM: Councilmember Sean Elo-Rivera

SUBJECT: IBA Comprehensive Analysis of the People's Ordinance

Background

In 1919, voters enacted Municipal Code §66.0127, known as the “People’s Ordinance”, which made it the City’s responsibility to collect and dispose of refuse. The People’s Ordinance was later amended to disallow the imposition of fees associated with City-provided refuse collection and clarify who is eligible for it. Today, most occupants of single-family homes and a handful of apartments receive free, City-provided refuse collection, while most apartment residents, businesses, and educational, medical, and government facilities must pay private haulers to pick up their waste.

As noted by three San Diego County Grand Juries – in 2005, 2008, and 2009 – the Ordinance leads to three untenable impacts:

- Inequity – Residents who are currently not receiving City-provided refuse collection pay twice for refuse collection – first, through various taxes and fees paid into the General Fund, which in turn support the City’s free refuse collection for which they are not eligible; then, directly to private haulers for their own refuse collection.
- Environmental – The inability to charge fees precludes a pay-as-you-throw or variable-rate system, which would incentivize residents to generate less waste and help the City achieve its waste diversion and recycling goals.
- Fiscal – General revenues required to support City-provided refuse collection prevents greater investment in General Fund-supported community programs and services that serve all residents, like libraries and parks.

Each Grand Jury report called on the City to place a measure on the ballot asking

voters to repeal or amend the People's Ordinance to address these negative impacts, which it has not done.

Our office's vision for San Diego is to be a world-class city for all with world-class public services for all. By being able to charge for refuse collection, the City could address the impacts highlighted above, while also enhancing refuse collection services to the level at which residents expect and deserve.

Following an amendment to the People's Ordinance and a cost-of-service study, the City could, for example, increase the frequency of collections, as well as offer new or refurbished bins to residents at no cost upon request. Additionally, the general revenues currently dedicated to refuse collection could expand library services and hours, add and improve park space, or offer enhanced small business support services.

Driving our interest in the People's Ordinance is a commitment to equity, sustainability, and transparency. Every person in every neighborhood deserves high-level public services and those services should be funded fairly. The City has a responsibility to be a good steward of the environment. And all San Diegans deserve to know how their tax dollars are contributing to the public good. It is increasingly challenging to further these goals with the current version of the People's Ordinance in effect.

Analysis Request

The District 9 Office is formally requesting the Independent Budget Analyst (IBA) conduct a comprehensive analysis of the People's Ordinance. To provide the City Council a full understanding of the People's Ordinance's equity, environmental, and fiscal impacts, my office requests the following be addressed in your analysis:

- People's Ordinance cost to General Fund in FY 2022
- Projected People's Ordinance cost to General Fund over next five years, to include anticipated SB 1383 implementation costs
- People's Ordinance cost to General Fund in the last five fiscal years
- General Fund and enterprise fund bond capacity should City-provided refuse collection be supported by user fees, rather than the General Fund
- Impact of the People's Ordinance's to the City's Zero Waste Plan goals
- Examples of city-provided refuse collection systems and fee models in peer cities in California and any programs to alleviate undue burden on low-income households
- Generalized demographic and geographic data for facilities receiving free City-provided refuse collection

Data such as collection route maps, Census tract- or block-level household income and race/ethnicity, and number and type of facilities receiving City-provided refuse collection would help the City Council understand if there are inequities associated with the People's Ordinance beyond those stemming from the "double payment"

issue. Recognizing demographic and geographic data can be sensitive information, I request that personally identifiable information (PII) is neither reviewed nor included in your analysis.

For any questions or concerns, please contact Maya Rosas, Deputy Chief of Staff, Ninth Council District, at rosasm@sandiego.gov or (619) 236-6699.

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