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Simplified Process Adopted for Organized Solid Waste Collection, Cities Bulletin
May 13, 2013.....Add.1

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Contact Patrick Hynes

IGR Representative

(651) 281-1260 or (800) 925-1122

phynes@lmc.org (*Link to: <mailto:phynes@lmc.org>*)

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Simplified Process Adopted for Organized Solid Waste Collection



The new law replaces the 180-day process for adopting organized collection with a 60-day negotiation period.

(Published May 13, 2013)

League-supported legislation that simplifies the process for adopting organized solid waste collection became law effective May 8. The new law (**Chapter 45** (*Link to: <https://www.revisor.mn.gov/laws/?id=45&doctype=Chapter&year=2013&type=0>*)) eliminates the cumbersome 180-day process for adopting organized collection, and replaces it with a 60-day negotiation period between a city and its licensed collectors.

The new process is designed to give the current collectors the first chance to develop a proposal for organized collection. If the 60-day negotiation period ends without an agreement, a city can continue the process by adopting a resolution to form a committee to study organized collection and make recommendations.

Cities that have already organized collection are exempt from the new law. Their current organized collection methods continue to govern.

Steps for organizing collection

The steps for adopting organized solid waste collection under the new law are as follows:

Notice to public and licensed collectors. Before forming a committee to study organized collection, a city with more than one licensed collector must notify the public and its licensed collectors that it is considering organizing collection. The new law does not specify how notice should be provided. The League recommends providing both published notice and individual mailed notice to each licensed collector.

Sixty-day negotiation period. After a city provides notice of its intent to consider organizing collection, it must provide a 60-day negotiation period that is exclusive between the city and its licensed collectors. A city is not required to reach an agreement during this period.

The purpose of the negotiation period is to allow licensed collectors to develop a proposal in which they, as members of an organization of collectors, collect solid waste from designated sections of the city. The proposal must address specific issues set out in the new law.

If an agreement is reached with a city's licensed collectors, it must be effective for three to seven years. The city must provide public notice and hold at least one public hearing before implementing the agreement. Organized collection cannot begin until at least six months after the effective date of the city's decision to implement organized collection.

Committee formation. If a city does not reach an agreement with its licensed collectors during the negotiation period, it can form—by resolution—an “organized collection options committee” to study various methods of organizing collection and issue a report. The city council appoints the committee members, and the committee is subject to the Open Meeting Law. The committee must examine different methods of organizing collection (two of which are specified in the law); establish a list of criteria for evaluating the different methods of collection; collect information from other cities and towns with organized collection; and seek input at a minimum from the city council, the local official responsible for solid waste issues, licensed solid waste and recycling collectors, and city residents.

Public notice, public hearing, and implementation. A city must provide public notice and hold at least one public hearing before deciding to implement organized collection. Organized collection cannot begin until at least six months after the effective date of the city's decision to implement organized collection.

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Your LMC Resource

Susan Naughton

Staff Attorney

(651) 281-1232 or (800) 925-1122 snaughton@lmc.org ([Link to: mailto:snaughton@lmc.org](mailto:snaughton@lmc.org))

Contact Craig Johnson

IGR Representative

(651) 281-1259 or (800) 925-1122