

RESOLUTION NO. ____-2021

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
APPROVING ASSUMPTION AND AMENDMENT TO THE CITY OF FORT
BRAGG SOLID WASTE FRANCHISE AGREEMENT**

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989, has declared that it is within the public interest to authorize and require local agencies to make adequate provisions for Solid Waste handling within their jurisdictions; and

WHEREAS, pursuant to California Public Resources Code Section 40059 (a) (2), the City Council of the City of Fort Bragg (City) determined that the public health, safety and well-being require that an exclusive franchise be awarded to a qualified Solid Waste enterprise for the collection and recovery of solid waste from certain residential, industrial and commercial areas in the City; and

WHEREAS, the Fort Bragg Municipal Code Section 6.08.020 provides that no one can engage in refuse and recycling collection services in the City except under contract with the City; and

WHEREAS, regular pickup of garbage, green waste and recyclables is more sanitary and reduces the risk of the solid waste being spread by animals or creating unwanted smells; and

WHEREAS, The City and USA Waste of California, Inc., DBA Empire Waste Management (Waste Management) executed a Franchise Agreement (Agreement) dated January 8, 2007 which expires on June 30, 2021; and

WHEREAS, the City's intention in executing the Agreement was to maintain reasonable rates for collection and transportation of solid waste, discarded recyclable materials and green waste within the area covered by the Agreement; and

WHEREAS, the C&S Group Holdings, Inc. has agreed to provide refuse and recyclable services under the terms of the City's existing Agreement, with minor modifications, in exchange for a ten (10) year commitment; and

WHEREAS, C&S has operated in Northern California for more than two decades and provides integrated collection, transfer, processing of waste and recyclables (including green waste), and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. It is in the best interest of the City and all Fort Bragg solid waste customers to secure refuse and recyclable collection services for the next ten (10) years.
2. C&S Group Holdings, Inc. has successfully operated integrated waste services locally for more than a decade in Mendocino and Lake County and was recommended to the City by other jurisdictions.

3. C&S Group Holdings, Inc. has agreed to hire staff laid off from Waste Management as a result of the City's decision to transition refuse and recycling services to another provider.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve Assumption and Amendment – Fort Bragg Franchise Agreement between the City of Fort Bragg and C&S Group Holdings, Inc. and authorizes the City Manager to execute same.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 27th day of January 2021, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, CMC
City Clerk