

**RESOLUTION NO. \_\_\_\_-2022**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL  
APPROVING AMENDMENT NO. 2 TO THE AGREEMENT BETWEEN THE  
CITY OF FORT BRAGG AND COLD CREEK COMPOST, INC. FOR  
COMPOSTING SERVICES**

**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 City and Cold Creek Compost, Inc. (Cold Creek) executed an Agreement (Agreement) dated October 27, 2015 designating Cold Creek as the City's provider of composting services under its Franchise Agreement with Redwood Waste Solutions, Inc. (C&S Waste); and

**WHEREAS**, the City's intention in executing the Franchise Agreement with C&S Waste was to maintain reasonable rates for collection and transportation of solid waste, discarded recyclable materials and organic waste within the area covered by the Agreement; and

**WHEREAS**, Cold Creek provides a valuable local service which promotes sustainability and reduced pollution; and

**WHEREAS**, Cold Creek may not be able to continue to provide the City of Fort Bragg customers with composting services, if it continues to operate at a financial loss due to increased regulatory costs and a significant change in market conditions tied to the collapse of the regional cannabis industry; and

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

1. SB1383 regulations require diversion of organic material to an approved organic waste facility.
2. It is in the best interest of the City's residents and the environment to compost as much solid waste as possible.
3. Composting supports sustainability in our Community.
4. Cold Creek is the closest and best priced provider of such services.
5. Cold Creek's price per ton, with the increase rate, is far less expensive than other disposal methods.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve Amendment No. 2 to the Agreement between the City of Fort Bragg and Cold Creek Compost, Inc. for Composting Services 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 regular meeting of the City Council of the City of Fort Bragg held on the 24<sup>th</sup> day of October, 2022, by the following vote:

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

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**BERNIE NORVELL**  
Mayor

**ATTEST:**

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**June Lemos, MMC**  
City Clerk