

RESOLUTION NO. ____-2021

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
AUTHORIZING THE CITY MANAGER TO NEGOTIATE A FRANCHISE
AGREEMENT FOR SOLID WASTE SERVICES WITH C&S WASTE
SOLUTIONS OF CALIFORNIA, INC.**

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, 2022; 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 City of Fort Bragg and the County of Mendocino issued a joint Request for Proposals for residential and commercial garbage, recyclable material and organic waste collection for the County Solid Waste Franchise Area Number Two and the City of Fort Bragg City limits; and

WHEREAS, C&S Waste Solutions of California, Inc. was selected as the preferred Solid Waste Provider by the City's Solid Waste Franchise Agreement Ad Hoc Committee and by the Mendocino County's Evaluation Committee based on a proposal review weighting 55% of the score for technical proposal, qualifications and sustainability and 45% for the proposed cost to the customers; 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 Waste Solutions of California, 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 Waste Solutions of California, 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 authorize the City Manager to negotiate a ten (10) year Solid Waste Franchise Agreement between the City of Fort Bragg and C&S Waste Solutions of California, Inc. for final approval by the City Council.

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 13th day of September, 2021, by the following vote:

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

BERNIE NORVELL
Mayor

ATTEST:

June Lemos, CMC
City Clerk