

RESOLUTION NO. ____-2019

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
APPROVING MENDOCINO SOLID WASTE MANAGEMENT JOINT POWERS
AGREEMENT AND APPROVING AN INCREASE TO THE EXISTING
SURCHARGE OF \$1.50 PER TON OF SOLID WASTE**

WHEREAS, the Mendocino Solid Waste Management Authority (MSWMA) was created by a Joint Powers Agreement (JPA) among the Cities of Fort Bragg, Ukiah, Willits and the County of Mendocino, in October of 1990 and the current JPA does not precisely reflect current services and operations of MSWMA; and

WHEREAS, each of the members to the JPA is a "public agency" as defined in Government Code Section 6500; and

WHEREAS, pursuant to Title 1, Division 7, Chapter 5, of the Government Code, commonly known as the Joint Exercise of Powers Act, two or more public agencies may, by Agreement, jointly exercise any power common to the contracting member; and

WHEREAS, each of the members hereto has the power, in addition to other powers which are common to each of them, to adopt develop and implement programs and activities to increase recycling and other measures to divert solid waste from being disposed in landfills, to provide for the proper handling, reuse and disposal of household hazardous waste, to provide for the clean-up of sites where solid waste has been illegally deposited and to prevent and remove graffiti from public or private property; and

WHEREAS, the California Integrated Waste Management Act (the "Act"), as codified in Division 30 of the Cal. Public Resources Code ("PRC"), as periodically amended, requires each of the members to prepare a source reduction and recycling element and a household hazardous waste element in compliance with Division 30, Part 2, Chapters 2, 3 and 3.5 of the PRC; and

WHEREAS, it is mutually advantageous for the members to work together and share costs to: (1) adopt, develop and implement programs and activities to increase recycling and other measures to divert solid waste from being disposed in landfills, to provide for the proper handling, reuse and disposal of household hazardous waste, to provide for the clean-up of sites where solid waste has been illegally deposited and to prevent and remove graffiti from public or private property; and (2) prepare and implement a source reduction and recycling element and a household hazardous waste element that meets the requirements of the Act; and

WHEREAS, in order to continue the work of MSWMA in a financially prudent and responsible manner, an additional stable source of revenue must be available. The MSWMA Commissioners recommend a \$1.50 increase on the per ton surcharge on solid waste in the County, which is collected at the transfer station; and

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

1. It is in the best interest of the City of Fort Bragg and the MSWMA Commission to restate and amend the JPA to better reflect the current operations and services of MSWMA.
2. Modifying the manner in which the annual MSWMA budget is adopted provides individual members of MSWMA more control over costs being passed onto the individual members, including Fort Bragg.
3. A \$1.50 increase on the per ton surcharge on solid waste is necessary to continue the services provided by MSWMA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Fort Bragg does hereby approve the amended and restated Joint Powers Agreement among the Cities of Fort Bragg, Ukiah, Willits and the County of Mendocino. Further, the City Council of Fort Bragg does hereby approve the \$1.50 increase on the per ton surcharge on solid waste in the County.

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 15th day of October, 2019, by the following vote:

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

WILLIAM V. LEE
Mayor

ATTEST:

June Lemos, CMC
City Clerk