

**RESOLUTION NO. \_\_\_\_-2020**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING WASTE MANAGEMENT PROPOSED RESIDENTIAL, COMMERCIAL AND MULTIFAMILY, AND ROLLOFF RATE CHANGES**

**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 USA Waste of California, Inc., DBA Empire Waste Management (Waste Management) executed a Franchise Agreement (Agreement) dated January 8, 2007; and

**WHEREAS**, the City and Waste Management executed an Amendment No. 2 to the Agreement that extended the term until June 30,2021; and

**WHEREAS**, the City's intention in executing the Agreement with Waste Management 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 Agreement provides for approval by the City Council and/or the City Manager of rates and charges by Waste Management; and

**WHEREAS**, the Agreement provides for rate adjustments annually as of June 1 based on the change in CPI-U, all items for the San Francisco-Oakland-San Jose CA and the most recently published California Index for #2 diesel fuel, along with pass-through adjustments and extraordinary rate adjustments; and

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

1. That the rate adjustments set forth in Exhibit A are consistent with the Franchise Agreement.
2. That the 1.94% portion of rate increase associated with the pass-through disposal adjustment is to be applied retroactively to January 1, 2020.
3. That the 2.12% portion of the rate adjustment based on the cost of living formula set forth in Amendment No. 4 and the pass-through portion associated with the increase in disposal resulting from Mendocino Solid Waste Management Authority (MSWMA) additional charge is to be effective June 1, 2020.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve the rate adjustments as set forth in Exhibit A for Residential, Commercial and Multifamily, and Rolloff services within the City limits, with the pass-through disposal adjustment effective January 1, 2020 and the cost of living adjustment plus additional pass-through disposal cost increase effective June 1, 2020.

**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 8<sup>th</sup> day of June, 2020, by the following vote:**

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

---

**WILLIAM V. LEE**  
**Mayor**

**ATTEST:**

---

**June Lemos, CMC**  
**City Clerk**