

## **RESOLUTION NO. \_\_\_\_-2017**

### **RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING FOURTH AMENDMENT TO CASPAR TRANSFER STATION OPERATIONS AGREEMENT & LEASE BETWEEN COUNTY OF MENDOCINO AND SOLID WASTES OF WILLITS, INC. AND AUTHORIZING CITY MANAGER TO EXECUTE THE SAME**

**WHEREAS**, Mendocino County ("County") and the City of Fort Bragg ("City") jointly own approximately 60 acres of property upon which the Caspar Landfill and Solid Waste Transfer Station are located in the Caspar area at the terminus of Prairie Way, also known as Assessor's Parcel Numbers 118-50-010 and 118-50-011 (hereinafter "Caspar property"); and

**WHEREAS**, the Joint Powers Agreement approved by the Fort Bragg City Council per Resolution No. 3420-2011 on January 10, 2011, and amended per Resolution No. 3423-2011 on January 24, 2011, specifies that County shall enter into a "Caspar Transfer Station Operations Agreement and Lease" (hereinafter "Caspar Operations Agreement") with Solid Wastes of Willits, Inc. ("SWOW") to convert the existing Caspar Transfer Station from County operation to operation by SWOW and requires that the City review and approve the Caspar Operations Agreement and consent to it in all respects that affect City's rights, powers, ownership, interests and liabilities; and

**WHEREAS**, County and SWOW entered into an agreement on January 25, 2011, with the consent and concurrence of the City of Fort Bragg, providing for operation of the Caspar Transfer Station by SWOW; and

**WHEREAS**, on November 28, 2011, the City approved the First Amendment to the agreement, amending Section 14(D) of the Caspar Operations Agreement to allow County to determine how future recycling commodity value adjustments, positive or negative, will be apportioned between solid waste, yard waste, metal and wood; and

**WHEREAS**, on January 9, 2012, the City approved the Second Amendment to the agreement, to further modify the Caspar Operations Agreement to allow for relocation of SWOW facilities in the event that development of a new commercial transfer station at the Caspar property occurs; and

**WHEREAS**, on February 25, 2013, the City approved the Third Amendment to the agreement to amend the fuel cost adjustment mechanism to provide a more accurate method to adjust rates which is based on a year-to-year comparison of a 12-month average of the California index for #2 diesel fuel, compiled and published by the U.S. Energy Information Administration or its successor; and

**WHEREAS**, the City and County would like to amend the Caspar Operations Agreement to include scrap metal and electronics in the Recycling Commodity Index.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby approve the Fourth Amendment to Caspar Transfer Station Operations Agreement & Lease between County of Mendocino and Solid Wastes of Willits, Inc. as shown in "Exhibit A" and authorizes the City Manager to execute the 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 12<sup>th</sup> day of June, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSED:

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LINDY PETERS,  
Mayor

ATTEST:

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June Lemos, CMC  
City Clerk