

RESOLUTION NO. ____-2018

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'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 prior 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, a review of rate changes since January 1, 2013, revealed a number of miscalculations, errors and application of incorrect cost-of-living indexes for the Fuel Component of the cost-of-living adjustment; and

WHEREAS, Waste Management and City staff have performed a thorough review of all rate adjustments since January 1, 2013, confirmed the amounts and application of those adjustments, agree with the calculations, and recommend approval of rates set forth in Exhibit A; 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, including the cost-of-living formula set forth in Amendment No. 4.
2. That it is fair to the City of Fort Bragg Waste Management Customers that application of the updated adjustments is not applied retroactively to June 1, 2018 and that it is fair that customers will not be charged for any underpaid fees.

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, effective October 9, 2018.

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 9th day of October, 2018, by the following vote:

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

**LINDY PETERS
Mayor**

ATTEST:

**June Lemos, CMC
City Clerk**