

RESOLUTION NO. ____-2019

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF FORT BRAGG AND COLD CREEK COMPOST, INC. FOR COMPOSTING SERVICES

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 Cold Creek Compost, Inc. (Cold Creek) executed an Agreement (Agreement) dated October 27, 2015 designating Cold Creek as the City's provider of composting services under its Franchise Agreement with Waste Management; and

WHEREAS, the City's intention in executing the Agreement with Franchise Waste Management was to maintain reasonable rates for collection and transportation of solid waste, discarded recyclable materials and organic waste within the area covered by the Agreement; and

WHEREAS, Cold Creek provides a valuable local service which promotes sustainability and reduced pollution; and

WHEREAS, Cold Creek may not be able to continue to provide the City of Fort customers with composting services, if it continues to operate at a financial loss due to increased regulatory costs and a significant change in market conditions tied to the collapse of the regional cannabis industry; and

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

1. It is in the best interest of City's residents and the environment to compost as much solid waste as possible.
2. Composting supports sustainability in our Community.
3. Cold Creek is the closest and best priced provider of such services.
4. Cold Creek's price per ton, with the increase rate, is far less expensive than other disposal methods.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve Amendment No. 1 to the Agreement between the City of Fort Bragg and

Cold Creek Compost, Inc. for Composting Services and authorizes the City Manager to execute 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 28th day of January, 2019, by the following vote:

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

WILLIAM V. LEE
Mayor

ATTEST:

June Lemos, CMC
City Clerk