

RESOLUTION NO. ____-2019

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

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 on a pass-through basis, if the City or another jurisdiction increases or decreases surcharges, disposal fees, taxes or other expense that impacts Waste Management's expenses. The Agreement explicitly allows for pass-through rate adjustments to be implemented retroactively; and

WHEREAS, City staff has reviewed the pass-through rate adjustment for the increased cost of disposal and agrees with the calculation and recommends approval of that increase.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg approves the pass-through adjustments to the Residential, commercial and Multifamily, and rolloff rate increases set forth in Exhibit A.

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