

RESOLUTION NO. ____-2019

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL
APPROVING AMENDMENT NO. 6 TO THE FRANCHISE AGREEMENT
BETWEEN THE CITY OF FORT BRAGG AND USA WASTE OF CALIFORNIA,
INC., DBA EMPIRE WASTE MANAGEMENT**

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 additional charges provided for in Amendment No. 6, allow for charges to discourage overfilling carts and contaminating materials so that they cannot be recycled or composted; and

WHEREAS, regular pickup of garbage, green waste and recyclables is more sanitary and reduces the risk of the solid waste being spread by animals or creating unwanted smells; and

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

1. It is in the best interest of City residents, the environment and Waste Management to properly dispose of waste.
2. The use of warnings and, if necessary, penalty charges is an effective way to educate and change wasteful behavior.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve Amendment No. 6 to the Franchise Agreement between the City of Fort Bragg and USA Waste of California, Inc., DBA Empire Waste Management 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**