

RESOLUTION NO. ____-2019

RESOLUTION OF THE FORT BRAGG CITY COUNCIL RETROACTIVELY CONSENTING TO THE RATE METHOD CHANGE AND EXTENSION OF THE TERM FOR THE OPERATING AGREEMENT AND LEASE FOR THE CASPAR TRANSFER STATION BETWEEN MENDOCINO COUNTY AND SOLID WASTE OF WILLITS

WHEREAS, the County and City jointly own 60 acres in the Caspar area at the end of Prairie Way that has been used for solid waste purposes since approximately 1967; and

WHEREAS, the County and City used the Caspar property as a landfill from 1968 to 1992 and have since used it as a solid waste transfer station; and

WHEREAS, the County of Mendocino (County) and the City of Fort Bragg (City) entered into a Joint Powers Agreement (Agreement) on January 25, 2011 to revise and update the obligations and responsibilities concerning the Caspar Landfill and Solid Waste Transfer Station; and

WHEREAS, the Agreement authorized the County to execute an Operating Agreement with Solid Waste of Willits to operate the Caspar Transfer Station; and

WHEREAS, changes in the global recyclable commodities market have created circumstances in which solid waste facilities can no longer sell recyclable materials but must pay to dispose of them; and

WHEREAS, the existing rate calculation mechanism did not foresee the current market conditions for recyclable materials and the method provided for in the Operating Agreement and Lease between the County and Solid Waste of Willits required revision; and

WHEREAS, the County approved a new rate adjustment mechanism on September 25, 2018 for the Operating Agreement and Lease between the County and Solid Waste of Willits as set forth in the Sixth Amendment; and

WHEREAS, the County approved a gate rate increase of .92 percent or \$.25 per cubic yard of waste, on March 19, 2019 as a result of an increase in the tipping fees of Cold Creek Compost, Inc.; and

WHEREAS, the Operating Agreement and Lease between the County and Solid Waste of Willits provided for a term to expire June 30, 2017 and an option to extend the term on one or more occasions through December 31, 2029; and

WHEREAS, the County in order to continue operations at the Caspar Transfer Station, extended the term of the Operating Agreement and Lease until June 30, 2021 and now seeks to formalize that action in the Seventh Amendment; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Fort Bragg does hereby consent and approve the Sixth and Seventh Amendments to the Operating Agreement and Lease between the County and Solid Waste of Willits. Further, the City Council of Fort Bragg does hereby consent and approve the rate adjustment of March 19, 2019 as a result of the increase in tipping fees at the Cold Creek Compost facility.

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 22nd day of April, 2019, by the following vote:

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

WILLIAM V. LEE
Mayor

ATTEST:

June Lemos, CMC
City Clerk