

RESOLUTION NO. 4356-2021

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING AMENDMENT NO. 7 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 Fort Bragg Municipal Code Section 6.08.020 provides that no one can engage in refuse and recycling collection services in the City except under contract with the City; and

WHEREAS, the City's intention in executing the Agreement 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 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 and USA Waste of California, Inc., DBA Empire Waste Management (Waste Management) executed a Franchise Agreement (Agreement) dated January 8, 2007 which expires on June 30, 2021; and


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

1. It is in the best interest of the City and all Fort Bragg solid waste customers to extend the term of the Franchise Agreement between the City of Fort Bragg and USA Waste of California, Inc., DBA Empire Waste Management for an additional twelve months to June 30, 2022.
2. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), extending the Franchise Agreement between the City of Fort Bragg and USA Waste of California, Inc., DBA Empire Waste Management for an additional twelve months is exempt from CEQA as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The activity does not have a significant impact on the environment because there is no change in the existing operations of solid waste collection services in the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve Amendment No. 7 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 Peters, seconded by Councilmember Morsell-Haye, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 8th day of February 2021, by the following vote:

AYES: Councilmembers Albin-Smith, Morsell-Haye, Peters and Mayor Norvell.
NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSED: None.



BERNIE NORVELL
Mayor

ATTEST:

for 

June Lemos, CMC
City Clerk