

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No.

Conduct a hearing to:

- a. Approve Amendment No. 2 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County in order to adjust collection rates as shown in Exhibit 1 “Approved Rates and Charges” of Amendment No. 2 effective January 1, 2013, to implement a rate adjustment as required by contract for services provided by USA Waste of California, Inc., dba Carmel Marina Corporation; and)
- b. Approve and authorize the Director of Health to execute Amendment No. 2 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County.)

WHEREAS, the Director of Health seeks authorization to execute Amendment No. 2 to the Unified Franchise Agreement (UFA) (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, also known as Waste Management (Contractor);

WHEREAS, this matter was considered at the October 23, 2012 meeting of the Board of Supervisors and continued to a date certain, to be considered by said Board as a timed item, on November 6, 2012;

WHEREAS, Amendment No. 2 would amend the UFA at Article 13, Section 13.13 “Adjustments to Service Rates, Surcharges and Fees” to replace the service rates, surcharges and fees set forth in the attachment to Exhibit 1 “Approved Rates and Charges,” previously approved and adopted pursuant to Amendment No. 1, with the proposed new attachment to Exhibit 1 “Approved Rates and Charges” to reflect a rate adjustment;

WHEREAS, in accordance with Article 13.13ff of the UFA, Contractor has submitted a request for rate adjustment that, based on calculations set forth in the UFA, justifies an across-the-board rate increase for solid waste and recyclables collection services for each of their three customer categories:

- 3.41 % increase for residential customers
- 2.82 % increase for commercial customers within the jurisdiction of the Monterey Regional Waste Management District (MRWMD)
- 3.85 % increase for commercial customers within the jurisdiction of the Salinas Valley Solid Waste Authority (SVSWA);

WHEREAS, Environmental Health Bureau staff has carefully evaluated Contractor's request, and believes it to be accurate and in compliance with the UFA;

WHEREAS, On February 2, 2010, said UFA was awarded to Contractor.

WHEREAS, Article 13 "Billing and Payment," Subsection 13.13.2.1, provides that: "On January 1, 2012, and annually thereafter, the service rates, fees and surcharges set forth in Exhibit 1 shall be adjusted by multiplying them by the Refuse Rate Index (RRI) percentage adjustment;"

WHEREAS, the current RRI computations take into consideration tipping fees approved by the MRWMD and SVSWA, which are a direct "pass through" to the rate payers, and also account for increases in Contractor's actual operating expenses; and

WHEREAS, approval of said RRI increase is consistent with the terms of the UFA.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby:

Approves Amendment No. 2 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County in order to adjust collection rates as shown in Exhibit 1 "Approved Rates and Charges" of Amendment No. 2 effective January 1, 2013, to implement a rate adjustment as required by contract for services provided by USA Waste of California, Inc., dba Carmel Marina Corporation; and

Approves and authorizes the Director of Health to execute Amendment No. 2 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County.

PASSED AND ADOPTED on this 6th day of November, 2012, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book _____ for the meeting on _____.

Dated:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
, Deputy