



# Monterey County

## Board Report

Legistar File Number: 18-1108

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November 06, 2018

**Introduced:** 11/1/2018

**Current Status:** Agenda Ready

**Version:** 1

**Matter Type:** General Agenda Item

- a. Set a public hearing for December 11, 2018 at 1:30 p.m. to consider and adopt Resolution to approve Amendment No. 8 effective January 1, 2019 with [Proposed] Exhibit 1 “Approved Rates and Charges” to Unified Franchise Agreement A-11631 with a term of November 1, 2010 through June 30, 2020 regarding proposed rates for services and adjustments to current rates for the Unified Franchise Agreement A-11631 between the County of Monterey and Waste Management, Inc. dba USA Waste of California dba Carmel Marina Corp., for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County; and
- b. Direct the Clerk of the Board to publish the Notice of Public Hearing in newspapers of general circulation to provide for County-wide Notice of Public Hearing on or before December 2, 2018.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Set a public hearing for December 11, 2018 at 1:30 p.m. to consider and adopt Resolution to approve Amendment No. 8 effective January 1, 2019 with [Proposed] Exhibit 1 “Approved Rates and Charges” to Unified Franchise Agreement A-11631 with a term of November 1, 2010 through June 30, 2020 regarding proposed rates for services and adjustments to current rates for the Unified Franchise Agreement A-11631 between the County of Monterey and Waste Management, Inc. dba USA Waste of California dba Carmel Marina Corp., for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County; and
- b. Direct the Clerk of the Board to publish the Notice of Public Hearing in newspapers of general circulation to provide for County-wide Notice of Public Hearing on or before December 2, 2018.

### SUMMARY:

Government Code Section 66016 provides as follows:

- (a) Prior. . .to approving an increase in an existing fee or service charge, a local agency shall hold at least one open and public meeting, at which oral or written presentations can be made, as part of a regularly scheduled meeting.
- (b) Any action by a local agency to levy a new fee or service or to approve an increase in an existing fee or service charge shall be taken only by ordinance or resolution. The legislative body of a local agency shall not delegate the authority to adopt a new fee or service charge, or to increase a fee or service charge.
- (c) This section shall apply only to fees and charges as described in Sections 51287, 56383, 65104, 65456, 65584.1, 65863.7, 65909.5, 66013, 66014, and 66451.2 of this code, Sections 17951, 19132.3, and 19852 of the Health and Safety Code, Section 41901 of the Public Resources Code, and Section 21671.5 of the Public Utilities Code.

### DISCUSSION:

The Director of Health requests the setting of a public hearing on December 11, 2018 at 1:30 p.m., publication of notice of said hearing with [Proposed] Exhibit 1 - "Approved Rates and Charges" by the Clerk of the Board pursuant to Government Code Section 66016. Pursuant to the terms of the Unified Franchise Agreement A-11631 (UFA), the Director of Health will seek authorization to execute Amendment No. 8 to said UFA as previously amended pursuant to Amendment Nos. 1, 2, 3, 4, 5, 6 and 7 (collectively, UFA) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation (Waste Management, Inc.). Proposed Amendment No. 8 would amend Article 13, at Section 13.13 Adjustments to Service Rates, Surcharges and Fees to replace the existing Exhibit 1 - "Approved Rates and Charges," approved and adopted pursuant to the UFA dated February 9, 2010 as amended pursuant to Amendment Nos. 1, 2, 3, 4, 5, 6 and 7 with the new [Proposed] Exhibit 1- "Approved Rates and Charges," which is attached and incorporated into proposed Amendment No. 8. Rates for the Monterey Regional Waste Management District geographic area will increase by 3.6% and rates in the Salinas Valley Solid Waste Authority geographic area will increase by 1.76% to reflect increase tip fees and other associated costs of solid waste/recycling processing.

On February 2, 2010, the Board of Supervisors awarded said UFA to USA Waste of California, Inc., dba Carmel Marina Corporation (Contractor). Article 13.13, Adjustments to Service Rates, Surcharges and Fees provides for "each Collection Service rate, fee or surcharge . . . set forth in Exhibit 1".

While this work is not directly in support of a Monterey County Health Department 2018-2022 strategic initiative, it is in support of one of the ten essential public health services, specifically: 6) Enforce laws and regulations that protect health and ensure safety.

Consistent with essential public health service item 6) and pursuant to Title 10 - Health and Safety, Chapter 10.41 - Solid Waste Collection and Disposal of the Monterey County Code (MCC) Section 10.41.30- Mandatory collection. Subsection A. provides that, "...All solid waste shall be collected from every occupied residence, apartment, or business...at least once a week."

Further, MCC Section 10.41.030. Subsection B. Payment. provides that collection rates shall be established by the Board, as follows,

Residents... and owners of commercial and industrial businesses or the property owners of the property within the designated residential areas or the property on which such businesses are located shall pay the rates established by the Board.

**OTHER AGENCY INVOLVEMENT:**

The Office of the County Counsel-Risk Management has reviewed the Set Report and Notice of Public Hearing without [Proposed] Exhibit 1 "Approved Rates and Charges". Environmental Health Bureau staff continue to review the proposed changes to ensure accuracy of the proposed rate changes. Original Agreement and Amendments 1-7 are on file with the Clerk of the Board.

**FINANCING:**

Waste Management, Inc. will continue to remit franchise fees, calculated at 10% of collected revenue,

to the General Fund.

**BOARD OF SUPERVISORS STRATEGIC INITIATIVES:**

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Rob Durham, MA III, 8979

Approved by: Elsa Jimenez, Director of Health, 4526

Attachments:

[DRAFT] Amendment No. 8 is on file with the Clerk of the Board

Attachment A - Notice of Public Hearing with [Proposed] Exhibit 1 "Approved Rates and Charges" is on file with the Clerk of the Board.

Attachment B - [Proposed] Exhibit 1 "Approved Rates and Charges" on file with the Clerk of the Board.