



# Monterey County

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

## Board Report

Legistar File Number: 15-1197

November 17, 2015

**Introduced:** 10/29/2015

**Version:** 1

**Current Status:** Consent Agenda

**Matter Type:** General Agenda Item

- a. Set a Public Hearing for December 8, 2015, at 1:30 p.m. regarding proposed rates for new services and adjustments to current rates for the Unified Franchise Agreement 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; and
- b. Direct the Clerk of the Board to publish Notice of Public Hearing in newspapers of general circulation to provide for County-wide Notice of Public Hearing on or before November 25, 2015.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Set a Public Hearing for December 8, 2015, at 1:30 p.m. regarding proposed rates for new services and adjustments to current rates for the Unified Franchise Agreement 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; and
- b. Direct the Clerk of the Board to publish Notice of Public Hearing in newspapers of general circulation to provide for County-wide Notice of Public Hearing on or before November 25, 2015.

### 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 seeks authorization to execute Amendment No. 5 to the Unified Franchise Agreement A-11631 as amended pursuant to Amendment Nos. 1, 2, 3 and 4 (Collectively, "UFA") between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina

Corporation (Waste Management). Proposed Amendment No. 5 would amend and add definitions to provide for new or additional services regarding Green Waste and Food Waste, at Articles 1, 2, 3, 4, 6, 7, 8, and 9 of the UFA. In addition, proposed Amendment No. 5 would amend Article 13.13ff of the UFA to add collection rates for new services and change current rates. Amendment No. 5 would amend Article 13, at Section 13.13 Adjustments to Service Rates, Surcharges and Fees to replace 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 and 4 with the new Exhibit 1 - [Proposed] "Approved Rates and Charges" to be attached and incorporated into proposed AMENDMENT No. 5. The proposed new rates and rate adjustments will be finalized before November 25, 2015, and provided to the Clerk of the Board to make Exhibit 1 - [Proposed] "Approved Rates and Charges" and the Board Report for the Public Hearing available to the public for review. Prior to November 25, 2015, Exhibit 1 - [Proposed] "Approved Rates and Charges" to the Notice of Hearing (Attachment A) will be made available to the Clerk of the Board to be published with the Notice of Hearing as directed by the Board.

While this work is not directly in support of a Monterey County Health Department 2011-2015 strategic initiative, it is in support of essential public health services, specifically, 6) Enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed the Set Report and Notice of Public Hearing without Exhibit 1. Environmental Health Bureau Staff continues to work closely with Waste Management to develop the proposed rate changes.

FINANCING:

There will be no additional cost to the County General Fund association with this recommendation.

Prepared by: Teresa Rios, Management Analyst III, 8979

Approved by: Ray Bullick, Director of Health, 4526

Attachments:

Attachment A - Notice of Public Hearing without Exhibit 1 - [Proposed] "Approved Rates and Charges"; on file with the Clerk of the Board