

Resolution No. \_\_\_\_\_

Conduct a public hearing to adopt resolution to:

- a. Approve AMENDMENT NO. 8 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and Waste Management, Inc. dba USA Waste of California/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. 8 retroactively effective to January 1, 2019, to implement a rate adjustment as required per contract for services provided by Waste Management, Inc. dba USA Waste of California/Carmel Marina Corporation; and
- b. Approve and authorize the Director of Health, or Assistant Director of Health, to execute AMENDMENT NO. 8 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and Waste Management, Inc. dba USA Waste of California/Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County.....

**WHEREAS**, the Director of Health seeks authorization for the Director of Health, or Assistant Director of Health, to execute AMENDMENT NO. 8 to the Unified Franchise Agreement (UFA) (Agreement No. A-11631) between the County of Monterey and Waste Management, Inc. dba USA Waste of California/Carmel Marina Corporation; and

**WHEREAS**, on February 26, 2019 the Board (1) set a public hearing to consider and adopt a Resolution to approve AMENDMENT NO. 8 with [Proposed] Exhibit 1 “Approved Rates and Charges” to Unified Franchise Agreement A-11631 (UFA) regarding proposed rates for services and adjustments to current rates for the UFA between the County of Monterey and Waste Management, Inc. dba USA Waste of California dba Carmel Marina Corp. (hereafter, “Waste Management” or “Contractor”) for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County and (2) directed 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 March 2, 2019; and

**WHEREAS**, [Proposed] Exhibit 1 “Approved Rates and Charges” consists of Waste Management proposed rates for services and adjustments to current rates based on the Refuse Rate Index (RRI) (price index provisions) of the UFA. [Proposed] Exhibit 1 “Approved Rates and Charges” was published with the Board Report for the February 26, 2019 consent agenda

(set hearing) item. Notice of Public Hearing with [Proposed] Exhibit 1 “Approved Rates and Charges” was published in newspapers of general circulation on or before March 2, 2019 by the Clerk of the Board; and

**WHEREAS**, in addition to the County’s publication of the [Proposed] Exhibit 1 “Approved Rates and Charges” for the February 26, 2019 consent agenda item, and publication of the Notice of Public Hearing with [Proposed] Exhibit 1 “Approved Rates and Charges” in newspapers of general circulation, Waste Management provided notice of the proposed rates by mail to its residential and commercial customers within unincorporated Monterey County; and

**WHEREAS**, the Board Report for the March 12, 2019 Board hearing, which includes the basis for the proposed rates, was published on the County Health Department website on or before March 2, 2019 to meet the minimum ten (10) day publication requirement in advance of the Public Hearing on the proposed rates; and

**WHEREAS**, this matter was considered at the March 12, 2019 public hearing of the Board of Supervisors; and

**WHEREAS**, AMENDMENT NO. 8 would amend the UFA at Article 13, Section 13.13 “Adjustments to Services and Rates, Surcharges, and Fees” to replace the service rates, surcharges, and fees set forth in Exhibit 1 “Approved Rates and Charges,” previously approved and adopted pursuant to Amendment Nos. 1, 2, 3, 4 5, 6, and 7, with the proposed new attachment to Exhibit 1 “Approved Rates and Charges” to reflect a retroactive rate adjustment;

**WHEREAS**, in accordance with Article 13.13ff of the UFA, Contractor has submitted a request for a rate adjustment that, based on Refuse Rate Index (RRI) provisions set forth in the UFA, justifies an across the board rate increase for solid waste and recyclables collection services for each of their customer categories:

- 4.74% (3.6% plus a 1.14% retroactive element) increase for the residential customers within the jurisdiction of the Monterey Regional Waste Management District (MRWMD);
- 1.76% increase for the residential customers within the jurisdiction of the Salinas Valley Solid Waste Authority (SVSWA);
- 4.74% (3.6% plus a 1.14% retroactive element) increase for the commercial customers within the jurisdiction of the Monterey Regional Waste Management District (MRWMD);
- 1.76% increase for the commercial customers within the jurisdiction of the Salinas Valley Solid Waste Authority (SVSWA);

**WHEREAS**, Environmental Health Bureau staff has evaluated the 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 the 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” and subsection 13.15 allows for a retroactive adjustment element to be incorporated; and

**WHEREAS**, the current RRI computations take into consideration tipping fees approved by the MRWMD and SVSWA, which are a direct “pass through” to rate payers and also account for increases in the Contractor’s operating expenses; the current RRI also takes into consideration a retroactive element to make the vendor whole from January 1, 2019; 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. 8 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and Waste Management, Inc. dba USA Waste of California/Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County in order to adjust rates as shown in Exhibit 1 “Approved Rates and Charges” of AMENDMENT NO. 8 effective retroactively to January 1, 2019 to implement a rate adjustment as required by contract for services provided by Waste Management, Inc. dba USA Waste of California/Carmel Marina Corporation; and

Approves and authorizes the Director of Health, or Assistant Director of Health, to execute AMENDMENT NO. 8 to the Unified Franchise Agreement (Agreement A-11631) between the County of Monterey and Waste Management, Inc. dba USA Waste of California/Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County.

PASSED AND ADOPTED on this \_\_\_\_ day of \_\_\_\_\_, 2019, upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Valerie Ralph, 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 \_\_\_\_\_, on \_\_\_\_\_, 2019.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors,  
County of Monterey, State of California

By \_\_\_\_\_  
, Deputy