



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: RES 20-024 **Name:** United Franchise Agreement A-11631 Amend. 9
Type: BoS Resolution **Status:** Passed - Health Department
File created: 2/19/2020 **In control:** Board of Supervisors
On agenda: 3/10/2020 **Final action:** 3/10/2020

Title: Conduct a public hearing to:
a. Approve Amendment No. 9 to the Unified Franchise Agreement A-11631 (UFA) 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 to amend Exhibit 1 - "Approved Rates and Charges" of said UFA to adjust rates (effective retroactive to January 1, 2020) in accordance with the UFA Refuse Rate Index provisions; and
b. Approve and authorize the Director of Health or Assistant Director of Health to execute Amendment No. 9 to the UFA 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.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. UFA Amendment No 9, 3. UFA Amendment No 8, 4. UFA Amendment No 7, 5. UFA Amendment No 6, 6. UFA Amendment No 5, 7. UFA Amendment No 4, 8. UFA Amendment No 3, 9. UFA Amendment No 2, 10. UFA Amendment No 1, 11. UFA Agreement, 12. Resolution, 13. Item No. 9 Completed Board Order and Resolution, 14. MS PowerPoint Presentation (Item No. 9, Presented at Hearing)

Date	Ver.	Action By	Action	Result
3/10/2020	1	Board of Supervisors	adopted - health department	Pass

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b. Approve and authorize the Director of Health or Assistant Director of Health to execute Amendment No. 9 to the UFA 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.

RECOMMENDATION:

It is recommended that the Board of Supervisors conduct a public hearing to:
a. Approve Amendment No. 9 to the Unified Franchise Agreement A-11631 (UFA) 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 to amend Exhibit 1 - "Approved Rates and Charges" of said UFA to adjust rates (effective retroactive to January 1, 2020) in accordance with the UFA Refuse Rate Index provisions; and
b. Approve and authorize the Director of Health or Assistant Director of Health to execute Amendment No. 9 to the UFA 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.

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.

The Director of Health seeks authorization to execute Amendment No. 9 to the Unified Franchise Agreement A-11631 (UFA) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation (hereafter, “Waste Management”) (Attachment A). Proposed Amendment No. 9 would set new rates for the collection of solid waste and recyclables within the unincorporated area of Monterey County in accordance with the Refuse Rate Index (RRI) provisions of said UFA.

DISCUSSION:

On February 2, 2010, the Board of Supervisors awarded said UFA to Waste Management. Article 13.13, “Adjustments to Service Rates, Surcharges and Fees” provides for, “...each Collection Service rate, fee or surcharge . . . set forth in Exhibit 1”.

Pursuant to the terms of the UFA, the Director of Health requests authorization to execute Amendment No. 9 to said UFA as previously amended pursuant to Amendment Nos. 1, 2, 3, 4, 5, 6, 7, and 8 (collectively, UFA) between the County of Monterey and Waste Management. Proposed Amendment No. 9 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, 6,7, and 8 with the new [Proposed] Exhibit 1 - “Approved Rates and Charges,” which is attached and incorporated into proposed Amendment No. 9.

Amendment No. 9 adjusts the rates in accordance with the RRI, which is a price indexing method specifically for adjusting solid waste collection rates. The RRI takes into consideration the five (5) factors of labor, fuel, vehicle replacement, vehicle maintenance, and “other” expenses; such as, insurance, operational expenses, and utilities.

In addition to the RRI, this Amendment No. 9 takes into consideration solid waste disposal fee increases at both the Salinas Valley Solid Waste Authority facility in South Monterey County and the Monterey Regional Waste Management District facility in Marina.

Proposed rate increases for January 1, 2020 are as follows:

- 6.82% increase for the residential customers within the jurisdiction of the Monterey Regional Waste Management District (MRWMD);
- 8.13% increase for the residential customers within the jurisdiction of the Salinas Valley Solid Waste Authority (SVSWA);

- 6.93% increase for the commercial customers within the jurisdiction of the Monterey Regional Waste Management District (MRWMD);
- 8.13% increase for the commercial customers within the jurisdiction of the Salinas Valley Solid Waste Authority (SVSWA)

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 10.41.030 - 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.

This work supports the Monterey County Health Department 2018-2022 strategic plan initiatives: 1. Empower the community to improve health through programs, policies, and activities. It also supports one of the ten 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 proposed Amendment No. 9 as to form and legality.

FINANCING:

Waste Management will continue to remit franchise fees, calculated at ten percent (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, 755-8979

Approved by:

_____ Date: _____
Elsa Jimenez, Director of Health, 755-4526

Attachments:

Proposed Amendment No. 9 with Exhibit 1 [proposed rates] is on file with the Clerk of the Board
Amendment No. 8 is on file with the Clerk of the Board
Amendment No. 7 is on file with the Clerk of the Board
Amendment No. 6 is on file with the Clerk of the Board
Amendment No. 5 is on file with the Clerk of the Board
Amendment No. 4 is on file with the Clerk of the Board
Amendment No. 3 is on file with the Clerk of the Board
Amendment No. 2 is on file with the Clerk of the Board
Amendment No. 1 is on file with the Clerk of the Board
Unified Franchise Agreement A-11631 (UFA) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation (Waste Management) is on file with Clerk of the Board
Resolution is on file with the Clerk of the Board