



County of Monterey

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

Board Report

File #: RES 21-210, **Version:** 1

Conduct a public hearing to:

- a. Adopt Resolution to approve Amendment No. 13 with [Proposed] Exhibit 1 “Approved Rates and Charges” to Unified Franchise Agreement A-11631 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. Approve and authorize the Director of Health to execute Amendment No. 13 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and Waste Management, Inc. dba 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. Adopt Resolution to approve Amendment No. 13 with [Proposed] Exhibit 1 “Approved Rates and Charges” to Unified Franchise Agreement A-11631 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. Approve and authorize the Director of Health to execute Amendment No. 13 to the Unified Franchise Agreement (Agreement No. A-11631) between the County of Monterey and Waste Management, Inc. dba USA Waste of California, Inc., dba Carmel Marina Corporation, for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County.

SUMMARY/DISCUSSION:

On November 16, 2021, the Board (1) set a public hearing to consider and adopt a Resolution to approve Amendment No. 13 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 November 26, 2021.

Pursuant to the terms of the Unified Franchise Agreement A-11631 (hereafter, “UFA” or “Agreement”), the Director of Health will seek authorization to execute AMENDMENT NO. 13 to said UFA as previously amended pursuant to Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 (collectively, UFA) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation (Waste Management, Inc.).

[Proposed] Amendment No. 13 adjusts the rates of the Unified Franchise Agreement with USA Waste of California, Inc., dba Carmel Marina Corporation (Waste Management, Inc.) effective January 1, 2022.

[Proposed] Amendment No. 13 was published with the Board Report for the November 16, 2021 consent agenda (set hearing) item. Notice of Public Hearing with [Proposed] Amendment No. 13 was also published in newspapers of general circulation on or before November 26, 2021 by the Clerk of the Board. In addition to the County's publication of the [Proposed] Amendment No. 13 on the November 16, 2021 consent agenda, and publication of the Notice of Public Hearing with [Proposed] Amendment No. 13 in newspapers of general circulation, this Board report, which includes the basis for the proposed provisions, was published on the County Health Department website which meets the minimum ten (10) day publication requirement in advance of the Public Hearing on the proposed Amendment No. 13.

The Director of Health seeks authorization to execute Amendment No. 13 to the Unified Franchise Agreement A-11631 (UFA) between the County of Monterey and Waste Management, Inc., dba USA Waste of California, Inc., dba Carmel Marina Corporation.

The original contract for these services was approved on February 2, 2010 when the Board of Supervisors awarded the exclusive franchise agreement (UFA Agreement A-11631) to Waste Management, Inc., dba USA Waste of California, Inc., dba Carmel Marina Corporation (Waste Management, Inc.) per Title 10, Chapter 10.41 Solid Waste Collection and Disposal of the Monterey County Code. In accordance with article 13.13, Adjustments to Service Rates, Surcharges and Fees of said UFA, the Director of Health requests adoption of a resolution to approve Amendment No. 13 to amend said UFA as previously amended pursuant to Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 (collectively, UFA). Proposed Amendment No. 13 would amend: Article 13.13. and Exhibit 1 to modify the rate adjustment effective January 1, 2022.

Proposed rate increases for January 1, 2022 are as follows:

- 4.31% increase for the residential customers within the jurisdiction of the Monterey Regional Waste Management District (MRWMD);
- 5.67% increase for the residential customers within the jurisdiction of the Salinas Valley Solid Waste Authority (SVSWA);
- 4.31% increase for the commercial customers within the jurisdiction of the Monterey Regional Waste Management District (MRWMD);
- 5.67% increase for the commercial customers within the jurisdiction of the Salinas Valley Solid Waste Authority (SVSWA).

This Amendment No.13 affecting rates is being presented at this Public Hearing as required by Government Code Section 66016 which 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.

Consistent with essential public health service item 6) and pursuant to Title 10 - Health and Safety, Chapter 10.41 - Solid Waste Collection and Disposal, 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.

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.

On November 16, 2021, the Board (1) set a public hearing to consider and adopt a Resolution to approve Amendment No. 13 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 November 26, 2021.

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OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel-Risk Management has reviewed and approved this Amendment No 13 as to form. The Auditor-Controller's Office has reviewed and approved this Amendment No 13 as to fiscal provisions.

FINANCING:

There is no General Fund Contribution resulting from this Board action. Waste Management, Inc. 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: Robin Kimball, Management Analyst II, 796-1297

Approved by:

Date: _____

Elsa Mendoza Jimenez, Director of Health, 755-4526

Attachments:

[Proposed] Amendment No 13 and Exhibit 1
Amendment No 12
Amendment No 11
Amendment No 10
Amendment No 9

Amendment No 8
Amendment No 7
Amendment No 6
Amendment No 5
Amendment No 4
Amendment No 3
Amendment No 2
Amendment No 1
Agreement