

## RESOLUTION NO. 17-077

### RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AMENDING FRANCHISE AGREEMENT BETWEEN THE COUNTY OF MENDOCINO AND USA WASTE OF CALIFORNIA, INC., DBA EMPIRE WASTE MANAGEMENT FOR SOLID WASTE COLLECTION AREA NO. TWO

WHEREAS, County of Mendocino ("County") and USA Waste of California, Inc., dba Empire Waste Management ("Grantee") entered into a Solid Waste Collection Franchise Agreement ("Agreement"), for the collection, transportation, and disposal of solid waste in Solid Waste Refuse Collection Area No. Two and said Agreement was approved by the Board of Supervisors on May 11, 2004, with an expiration date of June 30, 2011, later amended to be June 30, 2021; and

WHEREAS, Grantee and County have amended the Agreement from time to time to adapt to changing conditions and new information and to make rate adjustments per the terms of Agreement; and

WHEREAS, the Agreement sets forth provisions for rate adjustments, and further authorizes the Board of Supervisors and/or the County Administrative Officer (now known as the Chief Executive Officer) to amend pass-through and cost-of-living rate adjustments provided the County has received and considered required documentation, and Grantee rate adjustment calculations are reasonable; and

WHEREAS, the Agreement requires that all charges or fees for a service by Grantee shall be fixed and approved by the Board of Supervisors; and

WHEREAS, an amendment is necessary to update the rates in the Agreement; and

WHEREAS, the following percentages set forth the rate adjustment calculation as of January 1, 2017 for the Inland and Coastal Rate Zones, with some charges on the 2009 rate sheets reinstated:

Inland:	3.88%
Coastal:	-1.63%

NOW, THEREFORE, BE IT RESOLVED by the Mendocino County Board of Supervisors that:

- 1) The amended rates as set forth and attached to Amendment 13, exhibit B, "Franchise Area Two (2) Rate Adjustments" shall become effective January 1, 2017. Such rates shall supersede and replace all prior rates set forth in this Agreement, and all previous amendments to exhibit B thereto, as of the effective date of this Resolution and Thirteenth Amendment.
- 2) All other terms and conditions of the Agreement, as amended, remain in full force and effect.

The foregoing Resolution was introduced by Supervisor Brown, seconded by Supervisor Gjerde, and carried this 20th day of June, 2017, by the following vote:

AYES: Supervisors Brown, McCowen, Croskey, Gjerde, and Hamburg  
NOES: None  
ABSENT: None

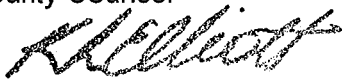
WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board



Deputy


APPROVED AS TO FORM:  
KATHARINE L. ELLIOTT  
County Counsel



JOHN MCCOWEN, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board



Deputy