

RESOLUTION NO. _____-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND APPROVING
A SOLID WASTE COLLECTION FRANCHISE AGREEMENT BY AND BETWEEN THE
CITY OF WHEATLAND AND RECOLOGY, INC.**

WHEREAS, pursuant to Article XI, §7 of the California Constitution, the City of Wheatland has authority over matters of public health and sanitation, including without limitation the collection and management of all solid waste within its geographic jurisdiction; and

WHEREAS, The California Integrated Waste Management Act of 1989 (“Act”) and subsequent additions and amendments (codified at California Public Resources Code Section 40000 et seq.) has declared that it is in the public interest to authorize and require local agencies to make adequate provisions for Solid Waste Collection within their jurisdiction; and

WHEREAS, Public Resources Code section 40059 provides that in administering the requirements of the Act, aspects of solid waste handling of local concern includes, without limitation, frequency of collection, means of collection and transportation, level of services, and whether the services are to be provided by means of nonexclusive, partially exclusive or wholly exclusive franchise, contract, license or otherwise which may be granted by local government under terms and conditions prescribed by the governing body of the local agency; and

WHEREAS, pursuant to California Public Resources Code Section 40059(a) as may be amended from time to time, the City of Wheatland has determined that the public health, safety, and well-being require an exclusive agreement to provide Collection Services and other requirements of the Act, without the competitive bidding except for Collection of Materials excluded in the City of Wheatland’s Ordinance Code; and

WHEREAS, Recology, Inc. (CONTRACTOR) is a private enterprise involved in the solid waste industry and capable of providing the City of Wheatland with solid waste handling services including but not necessarily limited to source reduction, recycling, and composting activities in conjunction with the collection, transfer, and disposal of solid waste; and

WHEREAS, the City of Wheatland and CONTRACTOR desire to enter into a wholly exclusive agreement for the provision of Collection Services except for those limitations specified in said Agreement; and

WHEREAS, the City of Wheatland Staff has negotiated the proposed terms and conditions of the exclusive franchise agreement which include in part the following provisions:

- The area proposed to be served under the franchise agreement is the same area currently being served by Recology, Inc.

- The scope of the exclusive nature of the collection services remains the same as it is currently under the licensed areas in that the hauler will retain the exclusive right to collect all materials presently collected within the service area.
- The length of the initial term of the exclusive franchise agreement is for a seven and three-quarter (7.75) year period, and the initial term may be extended by the City of Wheatland for up to two additional four (4) year periods.

WHEREAS, given that the franchise agreement will provide the continued collection of solid waste in the service area in the same basic manner as the currently exists in the service area, the Wheatland City Council finds that the approval of the franchise agreement is exempt from CEQA as the licensing of existing operations, involving negligible or no expansion of use (CEQA Guidelines § 15301).

NOW, THEREFORE, BE IT RESOLVED, The Wheatland City Council, based on the foregoing findings, hereby declares and orders as follows:

1. There foregoing findings and determinations set forth herein, are true and correct, and are adopted as set forth herein.
2. The Mayor is authorized to execute the Solid Waste Collection Franchise Agreement by and between the City of Wheatland and Recology, Inc., substantially in the form as is on file with the City Clerk.

PASSED AND ADOPTED at a regular meeting of the Wheatland City Council, of the County of Yuba, State of California on the 13th day of December, 2011 by the following vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

Enita Elphick, Mayor

ATTEST:

Lisa J. Thomason, City Clerk