

RESOLUTION 2020-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA APPROVING AMENDMENT NO. 1 TO THE FRANCHISE AGREEMENT WITH RECOLOGY SAN BENITO COUNTY

WHEREAS, on November 1, 2018, a new Franchise Agreement with Recology San Benito County as the collection hauler within the City of Hollister took effect, which includes specific provisions related to an annual index-based rate adjustment process; and

WHEREAS, the annual rate adjustment process required Recology San Benito County to submit its application for a rate adjustment on or before April 1 of each year and it was received on March 30, 2020, and staff reviewed the rate adjustment application and found it to be complete; and

WHEREAS, the Integrated Waste Management Regional Agency staff received Recology San Benito County's application for a rate adjustment on March 30, 2020 for the maximum allowable rate adjustment of 4.5%; and the proposed Solid Waste Rates were included in a Public Hearing Notice; and

WHEREAS, while not currently required by law, the Council is following the noticing procedure set forth in Article XIIID §6 of the California Constitution (Proposition 218) and in accordance with Proposition 218, the Council authorized staff to proceed with noticing and protest proceedings for the proposed solid waste collection rate adjustments; and

WHEREAS, on April 28, 2020 the Council adopted a resolution authorizing and directing staff to send a Proposition 218 notice of the proposed maximum allowable solid waste collection rates and their opportunity to submit written protests to affected rate payers and such a notice was mailed to property owners and rate payers within Hollister on April 29, 2020; and

WHEREAS, the City Council held a public hearing on June 15, 2020 to consider the proposed Solid Waste Rates and to receive and consider any protests received; and

WHEREAS, at the public hearing, the City Council heard and received all oral and written testimony and evidence that was made, presented, or filed, and all persons present at the hearing were given ample opportunity to hear and be heard with respect to any matter related to the Solid Waste Rates; and

WHEREAS, at the conclusion of public testimony, the City Council closed the public hearing, determined that due to COVID-19 they requested Recology to provide additional options and present these options to the Regional Agency Members for review and consideration; and

WHEREAS, On July 13, 2020, Recology presented two options to Regional Agency members which were not deemed acceptable and Recology was asked to provide additional options; on August 19, 2020 Recology provided four additional "Rate Delay Options."

WHEREAS, on September 9, 2020, the Regional Agency Member senior staff met to review the options and unanimously approved the option for Recology to establish a balancing account for a six-month rate deferral as further detailed in Exhibit A. This balancing account will reflect any payments due from Recology to the Member Agencies for liquidated damages and performance disincentives as a credit towards paying off the rate revenue owed to Recology for the six-month deferral and the new rates, as noticed in the Public Hearing Notice process and as presented at the June 2020 meeting, will not be effective until January 1, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of San Juan Bautista hereby approves Amendment No. 1 to the Franchise Agreement with Recology San Benito County and authorizes the City Manager to execute the Amendment.

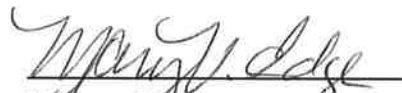
PASSED AND ADOPTED by the San Juan Bautista City Council, State of California, this 20th day of October, 2020 by the following vote:

AYES: Edge, DeVries, Freeman, Flores, Jordan

NOES: None

ABSENT: None

ABSTAIN: None


Mary V. Edge, Mayor

ATTEST:


Laura Cent, City Clerk