

RESOLUTION NO. 16-037

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
APPROVING MAXIMUM RATES TO BE CHARGED BY GREENWASTE
RECOVERY EFFECTIVE JULY 1, 2016 FOR COLLECTION OF FRANCHISED
SOLID WASTE, RECYCLING, AND ORGANICS**

FINDINGS

WHEREAS, the City of Pacific Grove (City) entered into a franchise agreement with GreenWaste Recovery, Inc. (GWR) on August 20, 2014 for solid waste, recycling, and organics collection services for the period of August 1, 2015 through July 31, 2030; and,

WHEREAS, Section 8.2 of the Franchise Agreement describes the process for an automatic annual adjustment to maximum customer rates on July 1 of each year, based on agreed-upon cost indices, changes in tipping fees at the Monterey Regional Waste Management District, and the actual tonnage of materials collected by GWR; and,

WHEREAS, the application of the formulas required by the Franchise Agreement results in different rate increases for each and every service level; and,

WHEREAS, consistent with the provisions of Section 8.2.C of the Franchise Agreement, both the City and GWR have agreed on an alternative approach that adjusts rates by the same percentage for all customers within each sector of customers, thereby preserving the current relationship and structure of the rates within each sector to one another; and,

WHEREAS, City staff has reviewed GWR's calculation of the rate adjustments and finds the calculations to be accurate and consistent with the methodology and requirements of the franchise agreement; and,

WHEREAS, this action does not constitute a "Project" as that term is defined under the California Quality Act (CEQA), CEQA Guidelines Section 15378 as it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

**NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY
OF PACIFIC GROVE:**

1. The Council determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.
2. The City Council of the City of Pacific Grove hereby resolves to approve an 3.4% adjustment to all single-family residential maximum rates; an 4.3% adjustment to all commercial solid waste, recycling, and organics maximum rates; and, an 5.2% adjustment to all roll-off maximum rates authorized to be charged by GWR under the franchise agreement, effective July 1, 2016.

3. This Resolution shall become effective immediately following passage and adoption hereof.

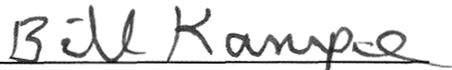
PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 18th day of May 2016, by the following vote:

AYES: Mayor Kampe, Councilmembers Fisher, Huitt, and Peake.

NOES: Councilmembers Cuneo and Miller.

ABSENT: Councilmember Lucius.

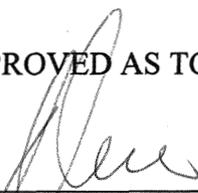
APPROVED:


BILL KAMPE, Mayor

ATTEST:


SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:


DAVID C. LAREDO, City Attorney