

RESOLUTION NO. 2018-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE FRANCHISE AGREEMENT FOR SOLID WASTE HANDLING SERVICES WITH M.G. DISPOSAL SERVICE, LLC

WHEREAS, M.G. Disposal Service, LLC, a Delaware Limited Liability Company (“MG”) holds an exclusive franchise agreement with the City of Fullerton (the “City”) to provide solid waste collection and related services, and specifically an agreement entitled Agreement Between City of Fullerton and M.G. Disposal Service, LLC for Solid Waste Handling Services dated March 1, 2009, (the “Agreement”) as amended by an agreement entitled First Amendment to Agreement for Solid Waste Handling Services Between City of Fullerton and M.G. Disposal Service, LLC dated February 5, 2013 (the “First Amendment”); and

WHEREAS, in 2014, the California Legislature enacted AB 1826, requiring the implementation of mandatory commercial organics recycling, which services are not covered by the Agreement or First Amendment; and

WHEREAS, MG has proposed a program to enable the City to comply with the requirements of AB 1826, and MG and City staff have negotiated and prepared a proposed agreement entitled Second Amendment to Agreement for Solid Waste Handling Services (the “Second Amendment”), setting forth MG’s proposed program, which includes, without limitation, collection and processing services, outreach, and assistance to City with monitoring and reporting, with all services to be provided at rates that do not exceed the rates designated in a proposed revised Exhibit A to the Agreement; and

WHEREAS, California Public Resources Code Section 49300 requires the City Council to approve the terms of the proposed Second Amendment pursuant to a City Council resolution; and

WHEREAS, the provision of solid waste handling services is an activity supported in part through a public agency contract and therefore may be considered a “project” under the California Environmental Quality Act (“CEQA”) (Pub. Res. Code §§ 21000 et seq.) (14 Cal. Code Regs. § 15378(a)(2)); and

WHEREAS, it can be seen with certainty that there is no possibility that the project could have a significant effect on the environment in that the Second Amendment merely provides for the continuation of an existing service in the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Fullerton does hereby resolve as follows:

SECTION 1. Each of the above recitals is true and correct and is adopted by the City Council.

SECTION 2. The City Council finds that the approval of the Second Amendment is exempt from CEQA under the “common-sense” exemption set forth in CEQA Guidelines section 15061(b)(3).

SECTION 3. The City Council hereby approves, and authorizes the Mayor to execute, the Second Amendment.

PASSED, APPROVED, AND ADOPTED this 20th day of November, 2018

Douglas B. Chaffee, Mayor

APPROVED AS TO FORM:

Richard D. Jones, City Attorney

ATTEST:

Lucinda Williams, City Clerk

Date