

RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, APPROVING THE THIRD AMENDMENT TO ITS FRANCHISE AGREEMENT FOR SOLID WASTE HANDLING SERVICES WITH REPUBLIC WASTE SERVICES OF SOUTHERN CALIFORNIA, LLC

WHEREAS, Republic Waste Services of Southern California, LLC (“Republic LLC”) holds an exclusive franchise agreement with the City of Fullerton (the “City”) to provide solid waste collection and related services, as amended by two prior agreements (a First Amendment and a Second Amendment) (collectively referred to as the Franchise Agreement); and

WHEREAS, Republic LLC is a subsidiary of Republic Services, Inc., a Delaware Corporation (“Republic Inc.”).

WHEREAS, California State law changed in 2014 (AB 1594) requiring that greenwaste material no longer be used as Alternative Daily Cover (ADC) at landfills beginning January 1, 2020.

WHEREAS, AB 1594 further required that the greenwaste material be composted to count towards the City’s diversion requirements, resulting in increased greenwaste processing costs.

WHEREAS, Republic LLC has requested, and City hereby consents to, an amendment to the Agreement to provide for a discretionary rate increase pursuant to Section 24.8 of the Agreement.

WHEREAS, Republic Inc. has agreed to guarantee Republic LLC’s performance under the Franchise Agreement (including the Third Amendment) pursuant to a written guarantee.

WHEREAS, California Public Resources Code Section 49300 requires the City Council to approve the terms of the proposed amendment to the franchise agreement with Republic LLC pursuant to a City Council resolution.

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)).

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 Third Amendment is merely 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 Third 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 the Third Amendment and authorizes the Mayor to execute it upon delivery to City of signed copies of all documents required of Republic LLC and Republic Inc. hereunder.

ADOPTED BY THE FULLERTON CITY COUNCIL ON JANUARY 7, 2020.

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Jennifer Fitzgerald, Mayor

ATTEST:

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Lucinda Williams, City Clerk

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Date