

**ORDINANCE NO. 11-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST APPROVING THE GRANTING OF A FRANCHISE FOR SOLID WASTE COLLECTION SERVICES TO WASTE MANAGEMENT OF CALIFORNIA, INC.**

**WHEREAS**, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989 ("AB 939") and subsequent modifications thereto, established a Solid Waste management process which requires cities and other local jurisdictions to implement source reduction, reuse and Recycling as integrated waste management practices; and

**WHEREAS**, AB 939 authorizes and requires local agencies to make adequate provisions for Solid Waste handling within their jurisdictions; and

**WHEREAS**, Section 40059 of the State Public Resources Code provides that the City may determine aspects of Solid Waste handling which are of local concern, including, but not limited to, frequency of Collection, means of Collection and Transportation, level of services, charges and fees and nature, location, and extent of providing Solid Waste handling services and whether the services are to be provided by means of partially exclusive or wholly exclusive Agreements, contracts, licenses, permits or otherwise; and

**WHEREAS**, the City is obligated to protect the public health and safety of the residents of the City and arrangements by waste haulers for the Collection of Solid Waste should be made in a manner consistent with the protection of public health and safety; and

**WHEREAS**, the City has entered into a compliance plan with CalRecycle in order to come into full compliance with AB939 and the implementation of and continued compliance with that plan and the City's Source Reduction and Recycling Element (SRRE) will become the primary responsibility of the City's franchise trash hauler; and

**WHEREAS**, the City Council determines and finds that the public interest, health, safety and well being would be served if the franchise trash hauler performs these services for Residential and Commercial Customers; and

**WHEREAS**, in accordance with Section 40059 of the State Public Resources Code, the City Council is empowered to enter into agreements with any Person or corporation and to prescribe the terms and conditions of such agreements; and

**WHEREAS**, the City Council has selected Contractor through a competitive procurement process; and

**WHEREAS**, Ridgecrest Municipal Code Section 3-5.105 requires that any franchise granted by the City be granted pursuant to an ordinance following a public hearing; and

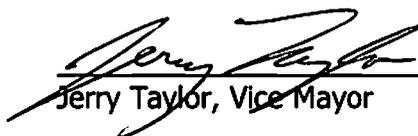
**WHEREAS**, the City has conducted a duly-noticed public hearing and received comments from the public;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST as follows:**

Pursuant to Ridgecrest Municipal Code Section 3-5.105, the City Council of the City of Ridgecrest does hereby approve and adopt the Franchise Agreement that is attached as Exhibit "A" to this ordinance with Waste Management of California, Inc., and authorizes the Mayor to sign this agreement. Pursuant to Ridgecrest Municipal Code Section 3-5.105(c), this franchise will be accepted in writing after first reading of the ordinance and before adoption of the ordinance.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of said City Council held on October 5, 2011, by the following roll call vote:

AYES: Council Members Holloway, Taylor, Morgan, & Patin  
NOES: None  
ABSENT: Mayor Carter  
ABSTAIN: None

  
Jerry Taylor, Vice Mayor

ATTEST:

  
Ricca Charlon, Deputy City Clerk

(Seal)