

## **RESOLUTION NO. 2017-026**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ESTABLISHING NEW MAXIMUM SOLID WASTE HANDLING SERVICE RATES FOR RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ACCOUNTS WITH ADVANCE DISPOSAL WITHIN THE CITY LIMITS OF THE CITY OF HESPERIA**

**WHEREAS**, on February 21, 2012, the City of Hesperia, California and Bestway Disposal, Inc., dba Advance Disposal, entered into an Amended and Restated Exclusive Franchise Agreement for the collection, hauling and processing of all solid waste within the City of Hesperia; and

**WHEREAS**, Section 8 of the Agreement provides that Advance Disposal may charge residential owners and/or renters and proprietors of commercial and industrial businesses fees and charges fixed by the Permittee, not to exceed the maximum fees and charges authorized from time to time by resolution of the City Council; and

**WHEREAS**, Section 8 of the Agreement provides that commencing from the date of adoption for any COLA adjustment or pass-through shall continue automatically on a year-to-year basis for a period not to exceed five (5) years after the date such adjustments were adopted in accordance with Proposition 218.

**WHEREAS**, Section 8 of the Agreement provides that at the end of the five-year period, there shall be no further CPI escalations or other automatic adjustments to the Maximum Rate Schedule unless or until further automatic adjustments are adopted through a subsequent Proposition 218 process as required by Government Code Section 53756.

**WHEREAS**, the City Council has determined that the maximum fees as set forth in "Attachment A" of this Resolution are fair and reasonable maximum rates for the solid waste collection and disposal services to be provided by Advance Disposal.

**NOW THEREFORE**, BE IT RESOLVED BY THE CITY OF HESPERIA CITY COUNCIL AS FOLLOWS:

- Section 1. All of the recitals in this Resolution, as set forth above, are true and correct.
- Section 2. The Solid Waste Collection and Disposal Rates as set forth in "Attachment A" to this Resolution are hereby adopted as the maximum rates which Advance Disposal can charge to residential owners and/or renters and proprietors of commercial and industrial establishments within the city limits of the City of Hesperia.
- Section 3. The effective date of this resolution shall be July 1, 2017, at which time those rates and charges found in Resolution 2012-012 shall be amended as detailed herein.
- Section 4. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**ADOPTED AND APPROVED** this 20<sup>th</sup> day of June 2017.

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Paul Russ, Mayor

ATTEST:

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Melinda Sayre  
City Clerk