

City of Hesperia STAFF REPORT



DATE: October 19, 2021

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Rachel Molina, Assistant City Manager
Jamie Carone, Management Analyst

SUBJECT: Amendment to Advance Disposal Franchise Agreement Establishing the Provisions of the HEART program

RECOMMENDED ACTION

It is recommended that the City Council authorize the City Manager to execute an amendment, in a form approved by the City Attorney, to add Section 5.14 of the Bestway Disposal, Inc., dba Advance Disposal (Advance Disposal) Franchise Agreement creating the standards of the Hesperia Environmental Assistance Response Team (HEART) Program.

BACKGROUND

On May 18, 2021, Staff introduced a report to the City Council on a proposed program that would take a proactive approach to mitigating the perpetual illegal dumping issue that plagues much of the high desert. The City Council gave direction to conduct, at a later date, a Proposition 218 Public Hearing on the matter and the subsequent rate increase for the program.

On July 20, 2021, a Public Hearing was held whereby new maximum rates were established to fund the HEART Program. The increase in rates was determined by the total cost to fund the program including software for reporting and tracking, specialty vehicles, equipment, and adequate staffing.

ISSUES/ANALYSIS

An amendment to the Amended and Restated Exclusive Franchise Agreement for Provision of Solid Waste Handling Services is necessary to determine and finalize the requirements, provisions, and responsibilities of the City of Hesperia and Advance Disposal in facilitating the City's new HEART Program.

The new Agreement between the City of Hesperia and Advance Disposal provides a definition for the HEART Program and articulates that the Program consists of both proactive and reactive measures to address illegal dumping within City boundaries. The amendment also describes the protocol for receiving and addressing specific complaints regarding illegal dumping that will be reported and received through the HEART Program software including the provision to address said complaints.

Per the amendment, Advance Disposal will be responsible for proving the City of Hesperia with reports on a quarterly basis or upon request. These reports will include information on the number

of reports received, the location of illegal dumping, the dates cases are closed, and the number of outstanding cases, among other metrics.

This amendment also aims to address customer service expectations and includes provisions such as proper training for Customer Service Representatives, ensuring sufficient staffing levels for the HEART Program, and all other operations, and addressing customer complaints as shown in "Attachment 2."

FISCAL IMPACT

There is no fiscal impacts associated with the recommended actions.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. 2021-052
2. Amendment No 2 to Franchise Agreement