

RESOLUTION NO. _____

A RESOLUTION OF INTENTION BY THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO GRANT A NON-EXCLUSIVE FRANCHISE FOR ROLL-OFF COLLECTION SERVICES WITHIN THE CITY OF FRESNO AND SET A DATE FOR PUBLIC HEARING

WHEREAS, pursuant to Article XIII of the Charter of the City of Fresno, proceedings for the establishment of non-exclusive roll-off collection franchises may be instituted by the legislative body by Resolution of Intention to adopt an Ordinance granting the franchises;

WHEREAS, this Council, as a legislative body of the City of Fresno ("City"), hereby determines that it is in the best interest of the City that this Council institute proceedings for the establishment of non-exclusive roll-off collection services franchises pursuant to the Charter in order to facilitate the placement of roll-off collection services contractors on the City of Fresno Department of Public Utilities' Roll-Off Collection List;

WHEREAS, Red Bin Services and JPA Construction Clean-Up Services, Inc., are recommended as franchisees based on the qualitative and quantitative selection criteria that were established; and

WHEREAS, this Resolution effectuates the terms and conditions set forth in the form of the Franchise Agreements executed by the City and the contractors.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The above recitals are true and correct.

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: BC

Resolution No.

2. A non-exclusive roll-off franchise is proposed to be established under the terms of Article XIII, "Franchises" of the City Charter.

3. The City Council hereby finds and determines that the grant of a non-exclusive roll-off franchise for roll-off collection services to Red Bin Services and JPA Construction Clean-Up Services, Inc, is in the public interest. The franchises granted herein are awarded, from the date of final passage of the franchise ordinance until June 30, 2021, provided that the provisions of this Resolution, Non-Exclusive Franchise Agreement, and the Code have been agreed to in writing by the Grantee and the Grantee has executed the Non-Exclusive Franchise Agreement and the City received and approved the insurance and documents required by such agreement.

4. The grant of this non-exclusive franchise will be expressly subject to and in compliance with all terms and conditions of the Non-Exclusive Franchise Agreement.

5. The Grantees shall during the term of its franchise pay to the City the franchise fee set forth from time-to-time by Council Resolution, as well as all other applicable taxes, fees and charges payable by the Contractors.

6. The form of the Non-Exclusive Franchise Agreement attached hereto is incorporated by reference and hereby approved. The Director of the Department of Public Utilities ("Director") is authorized to execute the same on behalf of the City. The Director is further authorized to execute amendments to such Non-Exclusive Franchise Agreement consistent with the purpose and intent of the franchise ordinance, subject to review and approval by the City Attorney's Office.

7. A public hearing on the granting of a non-exclusive franchise shall be held at 10:00 a.m., or as soon thereafter as practical on Thursday, September 1, 2016, at the

regular meeting of the City Council, Fresno City Hall, 2600 Fresno Street, Fresno, California 93721. The hearing may be continued from time to time as permitted by the Code.

8. At the time and place set forth in this Resolution for the public hearing, any interested person may appear and be heard, and the testimony of all interested persons for or against the granting of the franchise will be heard and considered. Any protest may be made either orally or in writing. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing, and written protest may be withdrawn in writing at any time prior to the conclusion of the hearing.

9. The City Clerk is hereby directed to publish a Notice of the hearing as defined in Section 1301 of the Charter of the City of Fresno, in the form required by the Charter, within fifteen days of the passage of this Resolution, in a newspaper of general circulation within the City. Said Notice shall be published at least ten days prior to the date of the hearing.

10. At the conclusion of the hearing, if the Council decides to grant the non-exclusive roll-off collection franchise, it shall adopt an ordinance granting the franchise on the terms and conditions specified in this Resolution.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of September, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

BY: _____
Brandon M. Collet Date
Deputy

Attachment: Non-Exclusive Franchise Agreements