

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; and

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; and

WHEREAS, Valley Dumpsters LLC is 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.
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 non-exclusive Roll-Off franchise for Roll-Off collection services to Valley Dumpsters LLC, is in the public interest. The franchises granted herein are awarded, from the date of final passage of the franchise Ordinance until June 30, 2026, 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 these non-exclusive franchises will be expressly subject to and in compliance with all terms and conditions of the Non-Exclusive Franchise Agreement.

5. All Grantees shall during the term of their 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 as Attachment "A" is incorporated by reference and is 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 these non-exclusive franchises shall be held at 10:00 a.m., or as soon thereafter as practical on Thursday, August 10, 2023, 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 non-exclusive roll-off collection franchises 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 determines to grant non-exclusive roll-off collection franchises, it shall adopt an ordinance granting the franchises on the terms and conditions specified in this Resolution.

* * * * *

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

I, TODD STERMER, 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 _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2023
Mayor Approval/No Return: _____, 2023
Mayor Veto: _____, 2023
Council Override Vote: _____, 2023

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Deputy City Attorney

Attachment 2: Non-Exclusive Franchise Agreement