

RESOLUTION 24-25-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUTTER CREEK APPROVING SOLID-WASTE RATE ADJUSTMENTS PURSUANT TO PROPOSITION 218 AND APPROVING AN AMENDED TO THE FRANCHISE AGREEMENT FOR COLLECTION OF SOLID WASTE SERVICES

WHEREAS, the City of Sutter Creek (“City”) has a Franchise Agreement (“Agreement”) with Delta Container Corporation, known as “Republic,” the assigned to ACES Waste Services, Inc. (“ACES”), for collection of solid waste and recyclable materials;

WHEREAS, the Agreement provides for a schedule of rates to be charged to customers of Republic, the existing rates of which are set forth in the “Current Monthly Rate” column of Exhibit A, which is attached and incorporated into this Resolution by reference;

WHEREAS, the Agreement authorizes the City to approve rate increases in accordance with its terms and conditions;

WHEREAS, the City Council has received and reviewed the most recent request from Republic regarding detailed rate review adjustments to take place beginning on March 1, 2025;

WHEREAS, pursuant to Proposition 218, the City has duly noticed and held a “majority protest hearing” on February 3, 2025 regarding its intent to approve the requested rate increases;

WHEREAS, pursuant to Article XIII, § 6(a), the City has identified 1475 parcels as being subject to the proposed fee increases described and has given mailed notice to such parcels pursuant to Government Code section 53755(a);

WHEREAS, as verified by the counting of protests following the February 3, 2025 hearing in which this matter was considered, a majority protest was not made prior to the close of the public hearing in opposition to the proposed rate increases stated in Exhibit A;

WHEREAS, the City Council also seeks to clarify the timing by which future rate increases will occur in accordance with the Franchise Agreement and a proposed amendment is attached to this Resolution and incorporated by reference as Exhibit B; and

WHEREAS, the California Environmental Quality Act is not applicable to the proposed rate increase and approval of the amendment to the Franchise Agreement because the increase and amendment are not a “project,” as defined by California Code of Regulations, Title 14, section 15378(a), and because of the exceptions set forth in California Code of Regulations, Title 14, section 15378(b)(3) and (4) for proposals submitted to voters and fiscal decision.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective March 1, 2025 ACES may begin charging customers the rates set forth in the “New Rate” column of Exhibit A as stated therein;

BE IT FURTHER RESOVLED that the City Council authorizes the City Manager to execute the Amendment to the Franchise Agreement as attached as Exhibit B to this Resolution.

The foregoing resolution was duly passed and adopted at a regular meeting of the City Council of the City of Sutter Creek on the 3rd day of February 2025, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Claire Gunselman, Mayor

Karen Darrow, City Clerk

EXHIBIT A

APPROVED RATE INCREASES

	Current Monthly Rate (thru 12/31/2024)	Monthly Rate Adjustment	New Rate 3/1/2025 - 12/31/2025	New Rate Year 1* 1/1/2026 - 12/31/2026	New Rate Year 2* 1/1/2027 - 12/31/2027	New Rate Year 4* 1/1/2028 - 12/31/2028
Residential Services						
32-Gallon Weekly Pick-up	\$ 38.01	\$ 1.82	\$ 40.20	\$ 43.82	\$ 48.20	\$ 53.02
64-Gallon Weekly Pick-up	\$ 49.15	\$ 2.36	\$ 51.98	\$ 56.66	\$ 62.33	\$ 68.56
96-Gallon Weekly Pick-up	\$ 66.80	\$ 3.21	\$ 70.65	\$ 77.01	\$ 84.71	\$ 93.18
Senior Rates						
32-Gallon Weekly Pick-up	\$ 34.21	\$ 1.64	\$ 36.18	\$ 39.44	\$ 43.38	\$ 47.72
64-Gallon Weekly Pick-up	\$ 44.23	\$ 2.12	\$ 46.77	\$ 50.99	\$ 56.09	\$ 61.70
96-Gallon Weekly Pick-up	\$ 60.12	\$ 2.89	\$ 63.58	\$ 69.31	\$ 76.24	\$ 83.86
Commercial Service						
1-Yard Bin Weekly	\$ 173.63	\$ 8.33	\$ 183.63	\$ 200.16	\$ 220.18	\$ 242.19
2-Yard Bin Weekly	\$ 289.09	\$ 13.88	\$ 305.74	\$ 333.26	\$ 366.59	\$ 403.25
3-Yard Bin Weekly	\$ 404.16	\$ 19.40	\$ 427.44	\$ 465.92	\$ 512.51	\$ 563.76
4-Yard Bin Weekly	\$ 519.43	\$ 24.93	\$ 549.35	\$ 598.80	\$ 658.68	\$ 724.55
6-Yard Bin Weekly	\$ 692.26	\$ 33.23	\$ 732.13	\$ 798.04	\$ 877.84	\$ 965.63
7-Yard Bin Weekly	\$ 866.07	\$ 41.57	\$ 915.96	\$ 998.41	\$ 1,098.25	\$ 1,208.07
				* Not to Exceed 10%	* Not to Exceed 10%	* Not to Exceed 10%

Exhibit B

AMENDMENT TO THE FRANCHISE AGREEMENT

**BETWEEN THE CITY OF SUTTER CREEK AND DELTA CONTAINER CORPORATION,
THE ASSIGNEE OF ACES WASTE SERVICES, INC.**

This Amendment to the Franchise Agreement between the City of Sutter Creek ("City") and Delta Container Corporation, a California Corporation ("Republic"), the assignee of ACES Waste Services, Inc., a California corporation ("Franchise Agreement"), is entered into and effective as of January 1, 2025 ("Effective Date"). The City and Republic are collectively referred to within as "Parties." The Franchise Agreement shall be amended as set forth below. All other terms of the Franchise Agreement not amended shall remain the same as set forth in the Franchise Agreement.

1. The Parties agree that for purposes of the four-year cycle for rate increases provided for in Article J of the Franchise Agreement, January 1, 2025 began a "Rate Year 1," January 1, 2026 begins a "Rate Year 2," and January 1, 2027 begins a "Rate Year 3." The next Detailed Rate Review, as provided for in that Article, shall occur in 2027 and apply to the rates that may be charged beginning January 1, 2028. Thereupon, for all future years, this four-year cycle shall repeat as Article J provides.

So agreed.

CITY OF SUTTER CREEK

DELTA CONTAINER CORPORATION

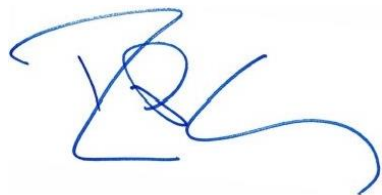
Tom Dubois

[Name]

City Manager

[Title]

Approved as to Form:



Derek P. Cole

City Attorney

