

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

IN THE MATTER OF CONTINUING ASSEMBLY)
BILL 939 EXCLUSIVE SERVICE AREA PROGRAM) RESOLUTION

WHEREAS, THE State of California through its California Integrated Waste Management Act of 1989, Assembly Bill 939, codified as Public Resources Code Section 40000, et seq ("AB 939"), requires that each local jurisdiction in the State divert fifty percent (50%) of discarded material (base 1990, using State-prescribed methodology) from landfill deposition, and

WHEREAS, the County could face fines up to \$10,000 per day for not meeting the above-mandated goal; and

WHEREAS, the County is empowered under Section 7 of Article XI of the California Constitution to make and enforce, within its limits, all police and sanitary ordinances and regulations not in conflict with general laws; and

WHEREAS, the County, in the exercise of its police powers, may determine the best means in its possession to protect the public health and safety; and

WHEREAS, pursuant to the California Public Resources Code, the County is authorized to determine aspects of Solid Waste handling which are of local concern, and the means by which such services are to be rendered, under terms and conditions prescribed by the County of Fresno Board of Supervisors ("BOARD") by resolution or ordinance, including the provision of Solid Waste collection, processing and disposal services on an exclusive or non-exclusive basis and with or without competitive bidding, and

WHEREAS, pursuant to California Public Resources Code, the Board has determined that public health, safety, and welfare of the residents of the County require that franchises be granted to qualified Contractors for Solid Waste collection, recycling, green waste, organic, disposal and processing services within the unincorporated areas of the County; and

1 WHEREAS, uniformity in the type and frequency of collection services, means of
2 collection and transportation, type of equipment used, and the nature, location, reporting
3 information and extent of providing Solid Waste services within the County are vital for
4 compliance with statutory requirements set forth by State legislation; and

5 WHEREAS, the Board declares its intent to maintain reasonable rates for
6 collection, transportation, processing and disposal of Solid Waste, Green and Organic
7 Waste and Recyclable Materials generated within unincorporated areas; and

8 WHEREAS, the Board has determined, in granting exclusive service
9 agreements, that the public health, safety, and welfare make it necessary that these
10 agreements be awarded to the contractors on an exclusive basis without competitive
11 bidding in order to provide waste handling services to its citizens and to achieve the
12 necessary levels of recycling and landfill diversion; and

13 WHEREAS, the Board has determined that the public health, safety and welfare
14 of the residents of the County would be best advanced by the continuance of the
15 exclusive service areas, based on the factors set forth above.

16 NOW, THEREFORE, BE IT RESOLVED that the BOARD OF SUPERVISORS
17 OF THE COUNTY authorizes the continuance of the exclusive service areas for the
18 diversion of residential and commercial solid waste; and

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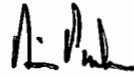
1 THE FOREGOING was passed and adopted by the following vote of the
2 Board of Supervisors of the County of Fresno this 31st day of October 2017,
3 to-wit:

4 AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero

5 NOES: None

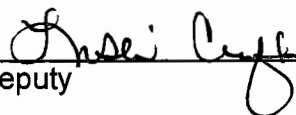
6 ABSENT: None

7 ABSTAINED: None



BRIAN PACHECO, Chairman of the
Board of Supervisors of the County of Fresno

9 ATTEST:
10 BERNICE E. SEIDEL
11 Clerk to the Board of Supervisors
County of Fresno, State of California

12 BY: 
13 Deputy