



Legislation Details (With Text)

**File #:** 20-0231      **Version:** 1

**Type:** \*Consent - Staff Report      **Status:** Agenda Ready

**In control:** City Council Regular Meeting

**On agenda:** 7/7/2020      **Final action:**

**Title:** Consider Adopting a Resolution Nunc Pro Tunc Correcting a Clerical Error in Resolution Number 20-0050 Regarding Residential and Commercial Refuse Collection Rates and the City Cost Recovery Fee for the Period of July 1, 2020 through June 30, 2025 (Public Works Director Katsouleas).  
ADOPT RESOLUTION NUNC PRO TUNC NO. 20-0078

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution Nunc Pro Tunc No. 20-0078, 2. Resolution No. 20-0050 (with Correct Exhibit A)

Date	Ver.	Action By	Action	Result
7/7/2020	1	City Council Regular Meeting		

**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Stephanie Katsouleas, Public Works Director  
Anna Luke-Jones, Public Works Senior Management Analyst

**SUBJECT:**  
Consider Adopting a Resolution Nunc Pro Tunc Correcting a Clerical Error in Resolution Number 20-0050 Regarding Residential and Commercial Refuse Collection Rates and the City Cost Recovery Fee for the Period of July 1, 2020 through June 30, 2025 (Public Works Director Katsouleas).  
**ADOPT RESOLUTION NUNC PRO TUNC NO. 20-0078**

**RECOMMENDATION:**  
Staff recommends that the City Council adopt Resolution Nunc Pro Tunc No. 20-0078.

**BACKGROUND**  
Following a 6-month outreach process and an 18-month waste hauler selection process, on February 5, 2019, City Council awarded a new 7-year Solid Waste Hauling Franchise Agreement to Waste Management with a scheduled start date of July 1, 2020.

On March 3, 2020, City Council adopted Resolution No. 20-0028 initiating proceedings to consider proposed increases for commercial and residential solid waste hauling fees and setting a date for a public hearing to consider protests (i.e., a Proposition 218 ballot protest procedure) for May 5, 2020.

A full and complete set of proposed rates was attached to Resolution No. 20-0028 as Exhibit A. Staff mailed a full and complete set of the rates to all commercial and residential rate payers and property owners in the City.

After a duly noticed continued public hearing on May 12, 2020 at which time the Council considered protest ballots, the Council adopted the new rates. However, Exhibit A to Resolution No. 20-0050 did not include all the pages containing the proposed rates. Due to a clerical error, only the first nine pages of the 14-page exhibit originally approved by City Council on March 3, 2020, were attached to Resolution No. 20-0050. The Council's intent at the time it adopted Resolution No. 20-0050 was to adopt all of the rates that it had reviewed on March 3, 2020, and all of the rates that had been publicized and presented to the commercial and residential rate payers and property owners in the City in the Prop 218 process.

**RECOMMENDATION:**

Consistent with Council intent on May 12, 2020, staff recommends that the City Council adopt Resolution Nunc Pro Tunc No. 20-0078. The correct Resolution No. 20-0050, with the corrected Exhibit A, is provided as Attachment 2.

**ATTACHMENTS:**

1. Resolution Nunc Pro Tunc No. 20-0078
2. Resolution No. 20-0050 (with Correct Exhibit A)