

RESOLUTION NO. 7-24-2018A

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MALAGA COUNTY WATER DISTRICT APPROVING A SECOND AMENDMENT TO THE SOLID WASTE AND RECYCLING FRANCHISE AGREEMENT BETWEEN THE MALAGA COUNTY WATER DISTRICT AND INDUSTRIAL WASTE AND SALVAGE FOR SOLID WASTE COLLECTION, GREEN WASTE COLLECTION, RECYCLING SERVICES EFFECTIVE AUGUST 1, 2016 AMENDED BY THE BOARD OF DIRECTORS ON DECEMBER 12, 2017.

WHEREAS, on August 23, 2016, the Board of Directors of the Malaga County Water District approved an Agreement between the Malaga County Water District (“District”) and Orange Avenue Disposal, Inc. dba, Industrial Waste and Salvage (“IWS”) making IWS the exclusive solid waste enterprise to provide Residential and Commercial solid waste collection and disposal services within the District’s boundaries (the “Franchise Agreement”); and

WHEREAS, the Franchise Agreement contains a provision at section 7.3 for an annual rate increase, effective August 1 of each year, based on the California consumer price index (“CPI”) change as measured year over year based on the published June CPI; and

WHEREAS, in January 2018, the United States Bureau of Labor Statistics made certain changes to the way the CPI is calculated resulting in a change of reporting dates of the California CPI by the California Department of Industrial Relations; and

WHEREAS, as a result of the changed reporting dates, the California CPI for June each year will not be available until mid-August of each year; therefore section 7.3 of the Franchise Agreement needs to be amended to reflect that the annual CPI adjustment will be based on the published April CPI year over year which will be published in mid-June each year and a corresponding on time change in the CPI rate adjustment calculation method for the 2018 rate year; and

WHEREAS, the District desires to and hereby amends section 7.3 of the Franchise Agreement as attached hereto as Attachment 1.

NOW THEREFORE, BE IT RESOLVED, by the Board of Directors of the Malaga County Water District as follows:

1. That the foregoing recitals are true and correct and are incorporated by this reference herein as though fully set forth at this point.

2. The Board of Directors of the Malaga County Water District hereby approves the Second Amendment to the Franchise Agreement a correct copy is attached hereto as Attachment 1 to this Resolution pertaining to the method in which the annual CPI rate increase is calculated and authorizes the President of the Board of Directors signing of that Amendment on behalf of the District.

* * * * *

Passed and adopted by the Board of Directors of the Malaga County Water District at their meeting held on this 24th day of July 2018, by the following vote:

AYES:

NOES:

ABSENT:

Charles Garabedian, Jr., President
Malaga County Water District

ATTEST:

James D. Anderson, General Manager-
Secretary of the Board of Directors
Malaga County Water District