



RESOLUTION NO. 2013-31

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA CALLING A SPECIAL ELECTION ON TUESDAY, JUNE 4, 2013, AND SUBMITTING TO CITY VOTERS A BALLOT MEASURE RELATING TO ORDINANCE NO. 2012-26 REGARDING GRANT OF AN EXCLUSIVE FRANCHISE TO MID VALLEY DISPOSAL FOR THE COLLECTION OF RESIDENTIAL SOLID WASTE, RECYCLABLE MATERIALS, AND ORGANIC MATERIALS WITHIN THE CITY OF FRESNO

WHEREAS, on December 20, 2012, the City Council of the City of Fresno adopted Ordinance 2012-26 relating to grant of an exclusive franchise to Mid Valley Disposal for the collection of residential solid waste, recyclable materials, and organic materials within the City; and

WHEREAS, on January 18, 2013, the City Clerk (Elections Official) received a Referendum Petition opposing the adoption of Ordinance No. 2012-26; and

WHEREAS, after a prima facie review by the City Clerk, the Referendum Petition was deemed filed on January 22, 2013; and

WHEREAS, the Fresno County Clerk/Registrar of Voters examined the petition signatures against the records of registration and submitted the findings of the verification process to the City Clerk; and

WHEREAS, the City Clerk has issued a Certificate of Sufficiency for the Referendum Petition as required under Elections Code §9114; and

WHEREAS, the Council has determined to submit the ordinance to the City voters.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

SECTION 1. There is called and ordered to be held in the City of Fresno, California, on Tuesday, June 4, 2013 a Special Election for the purpose of submitting a ballot measure to the City voters.

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Date Adopted: 2/28/13
Date Approved: 3/1/2013
Effective Date: 3/1/2013

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Certified Copy *slk*
City Clerk's Office

Date 3/5/13



SECTION 2. The question to be submitted to the voters with respect to the ballot measure shall be printed on the election ballot with the title and in the form set forth as follows:

APPROVAL OF ORDINANCE NO. 2012-26 GRANTING EXCLUSIVE FRANCHISE TO MID VALLEY DISPOSAL.	
Shall Ordinance 2012-26 which grants to Mid Valley Disposal an exclusive franchise for the collection of residential solid waste, recyclable materials, and organic materials within the	YES
City of Fresno be adopted?	NO

SECTION 3. The following constitutes the synopsis of the measure to be voted on for purposes of meeting the publication requirements of Election Code Section 12111:

**MEASURE TO BE VOTED ON
APPROVAL OF ORDINANCE NO. 2012-26 GRANTING
EXCLUSIVE FRANCHISE TO MID VALLEY DISPOSAL.**

Currently, collection of residential solid waste, recyclable materials, and organic materials and related billing services are handled by the City of Fresno. As authorized by the City Charter, this ordinance grants to Mid Valley Disposal an exclusive franchise to provide the services currently provided by the City. The manner of solid waste collection, including the types of containers used, the day of collection, and the annual Operation Clean Up service will remain the same. Residents will receive a monthly rate reduction of 17.6% locked-in for two years, then capped thereafter. Displaced City employees will be hired by Mid Valley Disposal for at least one year. The City will receive a \$1.5 million signing fee and ongoing franchise fees of \$2.5 million per year. The City may use the fees for public safety and other general government services.

SECTION 4. The full text of the ordinance submitted to the voters is attached as Exhibit A. The full text of the measure is not required to be printed in the Sample Ballot and Voters Pamphlet. However, the full text of the measure shall be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Office of the Fresno City Clerk.

Certified Copy slb
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SECTION 5. The City of Fresno requests that the Fresno County Clerk/Registrar of Voters conduct the election and canvass the returns, and the City consents to reimburse the Registrar of Voters for all costs incurred by said services.

SECTION 6. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. Arguments in favor or against the proposed measure are permissible and shall be filed with the Fresno County Clerk/Registrar in accordance with Elections Code Section 9282. Councilmembers voting in the majority for this resolution and the Mayor are authorized, but not required, to file arguments in favor of the proposed measure. They are also authorized to provide input to the Fresno County Clerk/Registrar in determining a letter designation for this measure.

SECTION 8. Passage of this measure requires 50% plus 1 votes.

SECTION 9. The Fresno County Clerk/Registrar of Voters shall give the appropriate notices for the election and shall conduct the election pursuant to appropriate provisions of state law.

SECTION 10. The City Attorney shall prepare an impartial analysis of the measure in accordance with Elections Code Section 9280 and file it with the Fresno County Clerk/Registrar of Voters.

SECTION 11. The City Clerk shall file a certified copy of this resolution with the Fresno County Clerk/Registrar of Voters on March 1, 2013, to ensure the requisite timeframes for holding the special election as required by applicable law.

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

I, YVONNE SPENCE, 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 28th day of February, 2013.

AYES : Baines, Brand, Brandau, Caprioglio, Olivier
NOES : Quintero, Xiong
ABSENT :
ABSTAIN :

Mayor Approval: March 1, 2013
Mayor Approval/No Return: _____, 2013
Mayor Veto: _____, 2013
Council Override Vote: _____, 2013

YVONNE SPENCE, CMC
City Clerk

BY: *Yvonne Spence*
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: *Stacy M. Kaine*

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City Clerk's Office

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Yvonne Spence, CMC
City Clerk

CLERK'S CERTIFICATION

I, **YVONNE SPENCE**, City Clerk of the City of Fresno, County of Fresno, State of California, do hereby certify the foregoing to be a full, true and correct copy of City Council Resolution No. 2013-31 adopted on February 28, 2013; now on file in my office.

IN, WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Fresno, California this 5th day of March, 2013.

YVONNE SPENCE, CMC
City Clerk

By *Sherril J. Badertscher*
Deputy City Clerk

