RESOLUTION NO. 4106-26

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR SETTING THE FRANCHISE FEE AT $1,225,000 FOR OCTOBER 1, 2027, THROUGH SEPTEMBER 30, 2028, WITH A COST-OF-LIVING ESCALATOR FOR YEAR TWO AND CONSECUTIVE YEARS FOLLOWING FOR THE TERM OF THE FRANCHISE AGREEMENT, TO RECOVER THE COSTS OF SOLID WASTE RELATED SERVICES IN THE TOWN OF WINDSOR

WHEREAS, the Town of Windsor and Sonoma County Resource Recovery, LLC, (SCRR) have entered into a Solid Waste Management Franchise Agreement (Agreement), dated August 5, 2026; and

WHEREAS, pursuant to the Agreement, SCRR is to pay the Town a Franchise Fee to compensate the Town for its costs to provide solid waste-related services, privileges, and benefits to SCRR and for the value of Town property used by SCRR for solid waste services in connection with public health, safety, and general welfare; and

WHEREAS, the Town has conducted a review of its solid waste costs and has documented the Town's costs of providing solid waste-related services, privileges, and benefits to SCRR and the reasonable value of Town property used for solid waste-related services; and

WHEREAS, the Town Council has determined that the Town's Franchise Fee complies with Section 1 of Article XIII C of the California Constitution and is justified by the Town's costs of providing solid waste-related services, privileges, and benefits to SCRR and the reasonable value of Town property used for solid waste services; and

WHEREAS, Section 4.04.1 of the Agreement provides that the Town Council may establish or modify the Franchise Fee by resolution; and

WHEREAS, the Town Council adopts the Franchise Fee set forth in the amount of $1,225,000. The amount shown is an annual figure effective October 1, 2027, through September 30, 2028; and

WHEREAS, effective October 1, 2028, and annually every October 1st thereafter, the Franchise Fee shall be adjusted in proportion to the annual percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-Hayward California area (U.S. Bureau of Labor Statistics series ID: CUURS49BSA0).

NOW, THEREFORE BE IT RESOLVED by the Town Council as follows:

1. This resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines. The resolution is not a project pursuant to CEQA Guidelines section 15378(b)(4) because the Town is setting a Franchise Fee for Town services, property, and facilities provided for solid waste services, and as such, the action involves a funding mechanism or fiscal activity within the meaning of the CEQA Guidelines.

2. The Franchise Fee is hereby adopted, pursuant to California Health and Safety Code Section 5471.

3. The Franchise Fee complies with Section 1 of Article XIII C of the California Constitution and does not exceed the Town's total costs of providing solid waste-related services, privileges, and benefits to SCRR and the reasonable value of Town property used for solid waste services.

4. The Franchise Fee shall be increased using the Consumer Price Index for All Urban Consumers, using the San Francisco-Oakland-Hayward California area.

5. This resolution shall be effective October 1, 2027.

PASSED, APPROVED AND ADOPTED this 5th day of August 2026, by the following vote:

AYES:	**COUNCILMEMBERS LEEP, SALMON, WALL VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY TOWN CLERK