



## RESOLUTION NO. 239-2018

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

### **RESOLUTION AUTHORIZING A FOURTH AMENDMENT TO THE SOLID WASTE SERVICES FRANCHISE AGREEMENT BETWEEN THE COUNTY OF EL DORADO AND WASTE CONNECTIONS OF CALIFORNIA, INC., DBA EL DORADO DISPOSAL SERVICE**

**WHEREAS**, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989 (AB 939), has declared that it is within the public interest to authorize and require local agencies to make adequate provision for solid waste handling within their jurisdictions; and

**WHEREAS**, effective October 21, 2014, the County entered into a Franchise Agreement with Waste Connections, Inc., dba El Dorado Disposal Service ("El Dorado Disposal") which, among other things, granted the exclusive right and obligation, subject to certain limitations and renewal options, until October 20, 2029, to collect, transport, process, recycle, and dispose of municipal solid waste generated by residential, commercial, and industrial customers in a delineated franchise area on the west slope of the County, defined in Exhibit A to the El Dorado Disposal Service Franchise Agreement (El Dorado Disposal Franchise Agreement), and to operate the Material Recovery Facility; and

**WHEREAS**, on August 18, 2015, the El Dorado Disposal Franchise Agreement was amended (First Amendment) to consolidate the services provided by Amador Disposal Service under the Amador Disposal Service Franchise Agreement into the El Dorado Disposal Franchise Agreement and terminate the Amador Disposal Service Franchise Agreement; and

**WHEREAS**, on August 18, 2015, the Sierra Disposal Service Franchise Agreement was assigned to El Dorado Disposal and the El Dorado Disposal Franchise Agreement was amended (Second Amendment) to consolidate the services provided by Sierra Disposal Service into the El Dorado Disposal Franchise Agreement; and

**WHEREAS**, the El Dorado Disposal Franchise Agreement consists of three (3) distinct service areas: Area A (original service area), Area B (former Amador Disposal Service), and Area C (former Sierra Disposal Service); and

**WHEREAS**, on December 12, 2017, the El Dorado Disposal Service Franchise Agreement was amended (Third Amendment) to provide bi-weekly green waste cart collection services to residents within the community of Grizzly Flats within El Dorado Disposal Area B during the months of May through October of each year, beginning May of 2018; and

**WHEREAS**, the El Dorado Disposal Service Franchise Agreement provides for an additional ten (10) year extension contingent upon El Dorado Disposal Service's completion of a new state-of-the-art transfer station/Material Recovery Facility (MRF); and

**WHEREAS**, due to unforeseen delays as a result of environmental conditions of the project site, construction of the new transfer station/MRF project has been delayed and has required substantial investigation, additional remediation efforts, and has significantly increased the original project cost estimate; and

**WHEREAS**, given these unforeseen delays and additional circumstances, the Board of Supervisors believes that it is in the best interest of the County to allow for additional time to complete the transfer station/MRF project and extend the term of the El Dorado Disposal Franchise Agreement as detailed in the Fourth Amendment.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of El Dorado hereby:

1. Approves the Fourth Amendment to the El Dorado Disposal Service Franchise Agreement and authorizes the chairman of the Board to execute the Fourth Amendment on behalf of the County.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the \_\_\_\_ day of \_\_\_\_\_, 2018, by the following vote of said Board:

Attest:  
James S. Mitrisin  
Clerk of the Board of Supervisors

Ayes:  
Noes:  
Absent:

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chair, Board of Supervisors