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RESOLUTION NO. 043-2012

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION AUTHORIZING A SOLID WASTE SERVICES AGREEMENT BETWEEN THE COUNTY OF EL DORADO AND SOUTH TAHOE REFUSE CO., INC.

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, pursuant to California Public Resources Code Section 40059(a)(1), the Board of Supervisors has determined that the public health, safety, and well-being require an exclusive franchise be awarded to a qualified solid waste enterprise for the collection and recovery of solid waste from certain residential, industrial, and commercial areas in the County of El Dorado ("County"); and

WHEREAS, County and Contractor are mindful of the provisions of the laws governing the safe collection, transport, recycling, and disposal of solid waste, including AB 939, the Resource Conservation and Recovery Act ("RCRA"), and the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"); and

WHEREAS, effective January 24, 1995, the County entered into a Collection Franchise Agreement (the "Agreement") with South Tahoe Refuse, Co., Inc. which, among other things, granted the exclusive right and obligation, subject to certain limitations, until December 31, 2004, to collect, transport, recycle, and dispose of municipal solid waste generated by residential, commercial, and industrial customers in a delineated franchise area in the eastern portion of the County and to operate the Material Recovery Facility; and Construction and Operation Agreement between the South Lake Tahoe Basin Waste Management Authority and South Tahoe Refuse Co., Inc. dated February 13, 1995; and

WHEREAS, Contractor has represented and warranted to County that it has substantial experience, responsibility, and qualifications to arrange with residents, commercial, industrial, institutional and other entities in the Franchise Area for the collection, processing, and safe transport to disposal facilities of municipal solid wastes, and the recycling of recyclable materials, the Board of Supervisors determines and finds that the public interest, health, safety, and well-being would be best served if Contractor were to make arrangements with residents and other entities to perform these services; and

WHEREAS, County has not and, by this Agreement does not, instruct Contractor on its collection methods, nor supervise the collection of Solid Waste; and

WHEREAS, the Agreement cannot be transferred or assigned by South Tahoe Refuse, Co., Inc. without the prior written consent of the County; and

WHEREAS, the Board of Supervisors declares its intention of maintaining reasonable rates for collection, transportation, and disposal of Solid Waste within the area covered by this grant of Franchise.

NOW, THEREFORE, be it resolved, the Board of Supervisors of the County of El Dorado, effective May 1, 2012, approves the Solid Waste Services Agreement between the County and South Tahoe Refuse Co., Inc. attached hereto and authorizes the chairman of the Board to execute the agreement 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 1st day of May, 20 12, by the following vote of said Board:

Ayes: Sweeney, Knight, Nutting, Briggs, Santiago

Noes: None

Absent: None

Attest:

TERRI DALY, Acting
Clerk of the Board of Supervisors

By: *Marcie MacLeland*
Deputy Clerk

[Signature]
Chair, Board of Supervisors
John R. Knight

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

Attest: *TERRI DALY, Acting* Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By: _____ Date: _____
Deputy Clerk