



## RESOLUTION NO.

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 WASTE CONNECTIONS OF CALIFORNIA, INC., CALIFORNIA CORPORATION, DBA EL DORADO DISPOSAL SERVICES**

**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) and (2), 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 (Contractor) 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 August 23, 2004, the County entered into the Agreement with USA Waste ("Agreement"), which granted USA Waste the exclusive right and obligation until December 31, 2012 to collect and dispose of municipal solid waste generated by residential, commercial, and industrial customers in the designated franchise area which encompasses a portion of the unincorporated West Slope of El Dorado County ; and

**WHEREAS**, effective June 6, 2006, the County consented to the assignment of the Agreement from USA Waste to Waste Connections of California, Inc., California Corporation, dba El Dorado Disposal Services Service ("El Dorado Disposal"), and El Dorado Disposal agreed to accept said assignment and to assume all duties and obligations of USA Waste under the Agreement from and after the effective date of the assignment until December 31, 2012; and

**WHEREAS**, effective January 12, 2010, the County approved the First Amendment of the Agreement which amended the renewal options under the term of the Agreement to allow for up to two (2) one (1) year extensions ; and

**WHEREAS**, on May 8, 2012 the Board of Supervisors provided direction to staff to engage in good faith negotiations with the current franchisee, El Dorado Disposal, and return to the Board with a proposed new franchise agreement prior to December 31, 2014; and

**WHEREAS**, effective September 11, 2012, the County exercised its option to extend the term of the Agreement for an additional one (1) year period to December 31, 2013; and

**WHEREAS**, effective November 5, 2013, the County exercised its option to extend the term of the Agreement for a second one (1) year period to December 31, 2014; and

**WHEREAS**, the County and El Dorado Disposal have concluded negotiations and El Dorado Disposal 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 waste, green waste, and the recycling of recyclable materials, and is committed to assisting with meeting the County’s goal of seventy-five percent (75%) diversion of solid waste from landfilling by the year 2020; and

**WHEREAS**, in view of El Dorad Disposal’s prior satisfactory service in the Franchise Area, County is willing to grant El Dorado Disposal a new solid waste service agreement (“New Agreement”).

**WHEREAS**, the Board of Supervisors determines and finds that the public interest, health, safety, and well-being would be best served if El Dorado Disposal were to make arrangements with residents and other entities to perform these services; and

**WHEREAS**, County has not, and by this New Agreement, does not, instruct El Dorado Disposal on its collection methods, nor supervise the collection of Solid Waste; and

**WHEREAS**, the New Agreement cannot be transferred or assigned by El Dorado Disposal 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 the granting of this Agreement.

**NOW, THEREFORE, be it resolved**, the Board of Supervisors of the County of El Dorado, approves the Solid Waste Services Agreement between the County and Waste Connections of California, Inc., California Corporation, dba El Dorado Disposal Services, attached hereto as Exhibit A, and authorizes the chairman of the Board to execute said agreement to become effective when fully executed by all parties.

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 \_\_\_\_\_, 20 \_\_, by the following vote of said Board:

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

Ayes:  
Noes:  
Absent:

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

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