



RESOLUTION NO.

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**RESOLUTION APPROVING AGREEMENT FOR ASSIGNMENT OF
SOLID WASTE SERVICES FRANCHISE AGREEMENT BETWEEN THE COUNTY
OF EL DORADO, SOUTH TAHOE REFUSE CO. DBA SIERRA DISPOSAL SERVICE, 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 of California, Inc. dba El Dorado Disposal (“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 Franchise Agreement (“EDD Franchise Agreement”), and to operate the Material Recovery Facility; and

WHEREAS, effective December 2, 2014, the County entered into a Franchise Agreement with South Tahoe Refuse Co., dba Sierra Disposal Service (“Sierra Disposal Service”) which, among other things, granted the exclusive right and obligation, subject to certain limitations and renewal options, until December 1, 2024, 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 Sierra Disposal Service Franchise Agreement (“SDS Franchise Agreement”); and

WHEREAS, the SDS Franchise Agreement cannot be transferred or assigned without prior written consent of the County; and

WHEREAS, Sierra Disposal Service has requested that the County consent to the assignment of the SDS Franchise Agreement to El Dorado Disposal; and

WHEREAS, in order to induce the County to consent to the assignment of the Franchise Agreement by Sierra Disposal to El Dorado Disposal, Waste Connections, Inc. has agreed to guarantee the obligations of El Dorado Disposal under the Franchise Agreement, and El Dorado Disposal has offered additional inducements to the County to give its consent, as more particularly described in the “Agreement for Assignment of Solid Waste Services Franchise Agreement” attached hereto; and

WHEREAS, the County’s consent to the assignment of the Franchise Agreement

by Sierra Disposal to El Dorado Disposal is made with the understanding between the parties hereto that the payment of the purchase price by El Dorado Disposal for the acquisition of the assets of Sierra Disposal described herein shall not result in an increase in solid waste collection and/or processing or disposal rates of County residents and businesses to be served by El Dorado Disposal solely as a result of such acquisition, compared with what these rates would have been if no such acquisition had occurred. Accordingly, El Dorado Disposal has agreed that the purchase of Sierra Disposal's assets by El Dorado Disposal shall not have a net adverse effect on customer rates compared to the rates that could have been charged by Sierra Disposal under the Franchise Agreement; and

WHEREAS, pursuant to Section 13 of the SDS Franchise Agreement the County is entitled to recover its costs associated with the assignment of the SDS Franchise Agreement to El Dorado Disposal in an amount not to exceed \$35,000.

NOW, THEREFORE, be it resolved, that the Board of Supervisors of the County of El Dorado hereby:

1. Consents to the assignment of the Sierra Disposal Service Franchise Agreement by South Tahoe Refuse Co., dba Sierra Disposal Service, to Waste Connections of California, Inc., dba El Dorado Disposal Service.
2. Approves the "Agreement for Assignment of Solid Waste Franchise Agreement" between the County of El Dorado, Sierra Disposal Service and El Dorado Disposal and authorizes the chairman of the Board to execute said agreement on behalf of the County.
3. Establishes the franchise transfer fee in an amount not to exceed \$35,000 to recover from Sierra Disposal Service the costs and expenses incurred by County associated with the assignment of the Sierra Disposal Service Franchise Agreement to El Dorado Disposal Service.

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. Mitrisin
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

_____ Chair, Board of Supervisors
Brian K. Veerkamp