



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 TAHOE TRUCKEE SIERRA DISPOSAL

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 April 4, 1995, the County entered into an Agreement with Tahoe Truckee Sierra Disposal ("Agreement"), which granted Tahoe Truckee Sierra Disposal (TTSD) the exclusive right and obligation until December 31, 2009, to collect and dispose of municipal solid waste generated by residential, commercial, and industrial customers in the designated franchise area which encompasses the North West shoreline area of South Lake Tahoe and includes the communities of Tahoma, Meeks Bay and Rubicon; and

WHEREAS, On November 10, 2009, the Board of Supervisors amended the term of the Agreement to be extended for a five (5) year period commencing January 1, 2010 and shall terminate December 31, 2014. The Agreement may thereafter be renewed beyond December 31, 2014 for two (2) terms of two (2) years; and

WHEREAS, on May 8, 2012 the Board of Supervisors provided direction to staff to engage in good faith negotiations with the current franchisee, TTSD, and return to the Board with a proposed new Franchise Agreement prior to December 31, 2014; and

WHEREAS, on July 1, 2014, TTSD notified the County that they were exercising their first option to extend the term of the Agreement two (2) additional years; and

WHEREAS, On October 14, 2014, the Board of Supervisors approved one (1) additional two (2) year term extension commencing on January 1, 2015 and terminating on December 31, 2016; and

WHEREAS, the County and TTSD have concluded negotiations and TTSD 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 TTSD’s prior satisfactory service in the Franchise Area, County is willing to grant TTSD a new Solid Waste Service Agreement (New Agreement); and

WHEREAS, the Board of Supervisors determines and finds that the public interest, health, safety, and well-being would be best served if TTSD 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 TTSD on its collection methods, nor supervise the collection of solid waste; and

WHEREAS, the New Agreement cannot be transferred or assigned by TTSD 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 New 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 TTSD, attached hereto as Exhibit A, and authorizes the Board Chair 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 _____, 2015, 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