

COUNTY OF EL DORADO

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May 24, 2011

The Honorable Lois Wolk
California State Senate
State Capitol, Room 5114
Sacramento, CA 95814

Dear Senator Wolk,

The El Dorado County Board of Supervisors **Opposes SB 841**, as amended May 12, 2011.

We believe SB 841 will result in additional legal requirements where none are needed and will remove public safeguards. The indemnity provisions within solid waste franchise agreements are the public's safeguard against malfeasance by a less than honest service provider. The procedures, scope and limitations related to indemnification are clearly and appropriately defined with the California Civil Code. Elimination of the indemnities is a victory for those with less than honest intentions as the responsible providers will always honor their contract.

The requirements and confines on local agencies to impose fees, assessments, charges and levies, as specified under the voter approved Propositions 218 and 26, are widely understood and acknowledged. The franchise agreements between our county and the companies that provide solid waste services to our residents are negotiated by staff and legal professionals and are then ratified by our Board. We understand our mandated performance requirements under AB 939 and we abide by the Constitution.

It is our understanding that, to date, there is no evidence that a local government entity has entered into a contract or has attempted to require a contract for solid waste disposal services that is in conflict with articles XIII C and XIII D of the State Constitution, as approved by the voters with the passage of Propositions 218 and 26. If enacted in its current form, the provisions within SB 841 can only serve to complicate, frustrate, and potentially burden a local agency's ability to comply with the mandates under AB 939 through the implementation of requirements to address a problem that does not appear to exist.

Respectfully,

Raymond J. Nutting, Chair
El Dorado County Board of Supervisors