



## **RESOLUTION NO. \_\_\_\_\_**

### **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO**

#### **RESOLUTION AUTHORIZING THE EXTENSION OF THE FRANCHISE AGREEMENT BETWEEN EL DORADO COUNTY AND SOUTH TAHOE REFUSE CO., INC. TO DECEMBER 31<sup>ST</sup>, 2028**

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 provisions 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 El Dorado County (the "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, County has not and, by this Agreement does not, instruct Contractor on its collection methods, nor supervise the collection of Solid Waste; and

WHEREAS, Contractor has represented and warranted to County that it has the experience, responsibility and qualifications to arrange with residents, commercial, industrial, institutional and other entities in the Franchise Area for the collection 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, the Contractor and the County are currently parties to two separate agreements governing: i) the collection of solid waste and recyclable materials, ii) the processing of solid waste and recyclable materials and the parties desire to now merge

these two separate contracts into one agreement and to supersede and replace the existing agreements with this Agreement, upon the terms set forth herein; and

WHEREAS, Contractor wishes to finance and construct a Resource Recovery Facility in Contractor's existing corporation yard, which will enhance Contractor's ability to divert organic materials from having to be landfilled and is expected to substantially increase the County's overall diversion of Solid Waste from landfilling within the South Tahoe basin; and

WHEREAS, Contractor requires an extended and revised franchise agreement to finance construction of the new Resource Recovery Facility, and County is willing to grant Contractor such an extension in view of Contractor's prior satisfactory service in the South Tahoe Basin and to enable the County to reach its State mandated recycling goals, which extension is conditioned on the construction and operation of the Resource Recovery Facility; and

WHEREAS, the Board of Supervisors declares its intention of maintaining reasonable rates for collection and transportation 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 April 10, 2007, approves the Solid Waste Services Agreement between the County and South Tahoe Refuse Co., Inc. attached hereto, which conditionally extends the term of the franchise agreement between El Dorado County and South Tahoe Refuse Co., Inc. to December 31<sup>st</sup>, 2028.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the following vote of said Board:

Ayes:

**ATTEST**

**Cindy Keck**  
Clerk of the Board of Supervisors

Noes:  
Absent:

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

\_\_\_\_\_  
Chairman, Board of Supervisors

**I CERTIFY THAT:**

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

**DATE** \_\_\_\_\_

**ATTEST** : CINDY KECK, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

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