



## Legislation Details (With Text)

**File #:** 22-1610      **Version:** 1

**Type:** Agenda Item      **Status:** Approved

**File created:** 8/31/2022      **In control:** Board of Supervisors

**On agenda:** 9/27/2022      **Final action:** 9/27/2022

**Title:** Environmental Management Department recommending the Board approve and authorize the Chair to execute the First Amendment to the Solid Waste Services Franchise Agreement with Tahoe Truckee Sierra Disposal.

**FUNDING:** Garbage Franchise Fees. (No Federal Funds)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A. 6917 Amd I Blue Route, 2. B. 6917 Amd I Final Draft Agreement, 3. C. TTSD Request for Renewal, 4. Executed Agreement 6917 Amendment 1

Date	Ver.	Action By	Action	Result
9/27/2022	1	Board of Supervisors	Approved	Pass

Environmental Management Department recommending the Board approve and authorize the Chair to execute the First Amendment to the Solid Waste Services Franchise Agreement with Tahoe Truckee Sierra Disposal.

**FUNDING:** Garbage Franchise Fees. (No Federal Funds)

**DISCUSSION / BACKGROUND**

On April 4, 1995, The County of El Dorado entered into an Agreement with Tahoe Truckee Sierra Disposal, now referred to as the "Franchise Agreement," granting Tahoe Truckee Sierra Disposal (TTSD) the exclusive right and obligation to collect and dispose of municipal solid waste generated by residential, commercial, and industrial customers in the designated franchise area. This Agreement was amended on November 10, 2009 for another five (5) year period to terminate on December 31, 2014 with two options for two (2) year renewals. On May 8, 2012, the Board of Supervisors directed Environmental Management staff to engage in good faith negotiations with Tahoe Truckee Sierra Disposal (TTSD) and return to the Board with a new Franchise Agreement prior to December 31, 2014. On July 1, 2014, TTSD notified the County that they were exercising their contractually provisioned option to extend the Agreement two (2) additional years which the Board approved on October 14, 2014. Environmental Management Department and Tahoe Truckee Sierra Disposal had engaged in extensive negotiations for an entirely new contract following the Board's direction on May 8, 2012, and they continued these negotiations toward a new, broader Agreement that included a rate setting manual.

On October 27, 2015, following extensive negotiations between Environmental Management Department and Tahoe Truckee Sierra Disposal, the Environmental Management Department brought Resolution No. 161-2015 requesting the Board of Supervisors (Board) approve a new Solid waste Services Agreement with TTSD for the collection of solid waste throughout the franchise area. The new Agreement was for a term of seven (7) years and included two (2) options for three (3) year

extensions. The negotiated Solid Waste Services Agreement (Franchise Agreement) between the County of El Dorado and Tahoe Truckee Sierra Disposal (TTSD) provides for increased services to customers, a standardized rate setting procedure, and additional program enhancements that comply with State mandated programs and the Board approved County Solid Waste Management Plan. This Agreement allowed the County to meet its seventy-five percent (75%) diversion goal in 2020 per the requirements of AB 341.

In accordance with Section 11 of the Tahoe Truckee Sierra Disposal (TTSD) Agreement (Attachment B), a letter requesting the first of two (2) allowed three (3) year renewals was received from TTSD on June 22, 2022 (Attachment C).

Tahoe Truckee Sierra Disposal (TTSD) operates in an area that has been issued a high elevation waiver from the requirements to separate and recover food waste and food-soiled paper as required by SB 1383. TTSD has been in material compliance with the terms and conditions of the Agreement. Environmental Management recommends the Board approve and authorize the first of two (2) extensions of the current Franchise Agreement and extend this Agreement for three (3) years.

### **ALTERNATIVES**

The Board may choose not to extend this Agreement. The County would be without a designated waste hauler and would not be in compliance with the California Integrated Waste Management Act of 1989 (AB 939) which requires local agencies to make adequate provisions for solid waste handling within their jurisdictions. The Board previously determined that pursuant to California Public Resources Code Section 40059(a)(1) and (2), the public's health, safety and well-being require an exclusive franchise agreement be awarded. If the Board chooses not to extend this Agreement, we will be outside compliance and another Franchisee must be sought.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Procurement and Contracts and County Counsel have reviewed and approved.

### **CAO RECOMMENDATION**

Approve as recommended

### **FINANCIAL IMPACT**

No Fiscal Impact or change to Net County Cost associated with this item. The County franchise rate of five percent (5%) will remain unchanged.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

1) Obtain the Board Chair's signature on two original Agreements and forward one original Agreement to EMD.

### **STRATEGIC PLAN COMPONENT**

Good Governance

### **CONTACT**

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Environmental Management Department