



Legislation Text

File #: 09-1351, **Version:** 2

Community Development Agency, Environmental Management Division, recommending the Board approve and authorize the Chair to execute the Second Amendment to the Solid Waste Services Franchise Agreement with Tahoe Truckee Sierra Disposal, extending the term for one (1) two-year period ending on December 31, 2016 and updating the grantor and grantee noticing names and addresses.

FUNDING: No Federal Funds.

Fiscal Impact/Change to Net County Cost

There is no fiscal impact to the County.

Background

On November 10, 2009, the Environmental Management Department, now a Division of the Community Development Agency (CDA/EMD), brought forth an agenda item requesting the Board of Supervisors (Board) approve the First Amendment to the Solid Waste Services Agreement (Agreement) between the County of El Dorado (County) and Tahoe Truckee Sierra Disposal Co., Inc. (TTSD). The First Amendment made changes to several sections of the Agreement including Section 9 - Term, extending the Agreement for five (5) years thereby resulting in a termination date of December 31, 2014, and allowing for two (2) additional two (2) year term extensions (Legistar item 09-1351).

On May 8, 2012, the Board considered whether the County should enter into the competitive bid process for the collection and disposal of municipal solid waste and recyclable materials generated by residential, commercial, and industrial customers within all Franchise Areas in the County, with the exception of South Lake Tahoe (The Board previously approved a new agreement with South Tahoe Refuse on May 1, 2012, Legistar item 12-0494), or enter into negotiations with the current Franchisees: Waste Connections of California, Inc., dba El Dorado Disposal, Sierra Disposal, Amador Disposal, American River Disposal, and TTSD. The purpose of the negotiations was to generate new Solid Waste Service Agreements that incorporate new standardized solid waste rate setting policies and procedures and the El Dorado County Solid Waste Management Plan (SWMP). The Board provided direction to staff to engage in good faith negotiations with the existing Franchisees, and return to the Board with proposed new Agreements for discussion and consideration (Legistar item 12-0508).

As directed by the Board, CDA/EMD initiated negotiations with TTSD. CDA/EMD drafted a completely new Agreement as a starting point, incorporating a draft Solid Waste Rate Setting Policies and Procedures Manual. CDA/EMD provided these documents to TTSD which established the framework for negotiation discussions. CDA/EMD and TTSD have met to negotiate a new Franchise Agreement but have not concluded negotiations.

In accordance with the First Amendment to the TTSD Agreement (Attachment B), a letter requesting

a two (2) year extension was received from TTSD on June 1, 2014 (Attachment C). The proposed Second Amendment provides for a two (2) year term extension through December 31, 2016 and amends Section 25 (H), Notices to update the list of the current parties involved in the Agreement. All other terms and conditions of the existing TTSD Franchise Agreement dated April 4, 1995 and the First Amendment dated November 10, 2009 remain unchanged. In addition, there is no additional rate increase associated with this Amendment.

Reason for Recommendation

Pursuant to the existing TTSD Franchise Agreement and First Amendment to the Agreement, the CDA/EMD has received, in writing, a request from TTSD for a two (2) year extension to the Agreement. While CDA/EMD and TTSD have been working well together, both parties agree that additional time is needed to conclude negotiations.

TTSD is currently in negotiations with the County of Placer for a new solid waste services agreement that includes both residential and commercial collection services as well as the operation of the Eastern Regional Landfill and Material Recovery Facility. TTSD has indicated that negotiations with Placer County are a priority and will likely conclude by June of 2015. CDA/EMD has been in negotiations with multiple Franchisees over the past two years and has been focusing on the larger subscription franchise areas. The TTSD franchise area is comprised of approximately 800 year-round accounts. Due to TTSD's relatively small customer base in the County, the new Agreement will be somewhat unique compared to the other new Agreements being negotiated with other franchisees. A two (2) year extension to the existing TTSD Agreement will provide both parties with needed additional time to develop a new Agreement that will best benefit the residential and commercial customers in the TTSD franchise area.

Clerk of the Board Follow Up Actions

Forward fully executed Second Amendment to the Environmental Management Division for distribution.

Contact

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Concurrences

County Counsel and Risk Management