



County of El Dorado

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Legislation Text

File #: 09-0849, **Version:** 1

At the request of American River Disposal Service Co., receive and file their intent to exercise the renewal option to extend the current franchise agreement to December 31, 2014, per the provision in the Franchise Agreement between El Dorado County and American River Disposal Service Co. Inc. dated August 22, 2000.

Fiscal Impact/Change to Net County Cost: No change in Net County Cost

Background: In accordance with the Solid Waste Services Agreement dated August 22, 2000 between El Dorado County and American River Disposal Service, Section 9 - Term, Subsection B - Renewal Options; "County hereby grants to Grantee two options to renew this Franchise Agreement which shall be for terms of five (5) years each, commencing, respectively, on January 1, 2005 and terminating December 31, 2009; and commencing January 1, 2010 and terminating on December 31, 2014. Notice of the exercise of said options shall be given to the County in writing no earlier than eight (8) months before the commencement of said renewal period; provided, however, that County shall notify Grantee if County does not receive the required notice from Grantee within said time frame, and Grantee shall have fourteen (14) days from Grantee's receipt of the County's notice in which to cure the failure to give Grantee's notice of renewal of the Franchise by serving the County with written notice of Grantee's request to exercise the renewal option. If, within fourteen (14) days after receipt of the notice from the County, Grantee fails to deliver to the County written notice exercising its renewal options, then Grantee will be conclusively presumed to have waived its right to renew the term for the option period and this Agreement shall terminate at midnight on the last day of the term hereof. Said renewal options may be exercised only if the Grantee is in compliance with the terms and conditions of this Franchise Agreement, both at the time the option is exercised and on the day that the renewal term is to commence."

The Environmental Management Department received a renewal request from American River Disposal Service (ARDS) on May 14, 2009 (Attachment A) indicating their exercise of the aforementioned franchise renewal option. ARDS, as stipulated above, is in compliance with the terms and conditions of the Franchise Agreement. Based upon this action and per the franchise agreement terms, the Agreement will have a new expiration date of December 31, 2014.

Action to be taken following Board approval: Receive and file.

Contact: Gerri Silva, MS, REHS, Director of Environmental Management

