



Legislation Text

File #: 24-0235, **Version:** 1

Environmental Management Department recommending the Board approve and authorize the Chair to sign Amendment 1 to Agreement 7977 with The Clean Tahoe Program, with a retroactive term beginning April 1, 2023, and ending June 30, 2025 and no change to the not-to-exceed amount.

FUNDING: County Service Area No. 10, Zone C Parcel Fees. (No Federal Funds)

DISCUSSION / BACKGROUND

Clean Tahoe began servicing the Lake Tahoe area in 1988 and began receiving Zone C parcel fees assessed on County Tax roll CSA 10 in exchange for this service by 1989. Clean Tahoe has been receiving approximately \$29,000 annually from these taxes from El Dorado County.

In May of 1992, the City of South Lake Tahoe and the County entered into a Joint Powers Agreement and a City/County Joint Board of Commissioners was appointed to oversee the program. In 1995, Clean Tahoe became a non-profit corporation overseen by a Board of Directors. On June 29, 1999, a formal written agreement documenting the expectations for Clean Tahoe in exchange for revenue provided by the County was executed. Under this Funding Agreement (Agreement) with Clean Tahoe, dated June 29, 1999, the County paid \$21.00 per hour for 23 hours of service per week year-round. The cap on funding for this Contract remained at approximately \$29,000. The Contract was established with service periods of April 1st through September 30th, and October 1st through March 31st. The Contract term dates, however, were purposefully aligned with the Fiscal year for purposes of funding the Agreement with collected Taxes which fund the Agreement.

Over the course of the decade following the 1999 agreement, costs to run the Clean Tahoe program continually increased while funding options remained limited as they are governed by the CSA, and now Prop 218. Contract modifications within the hourly pay structure detailed above were subsequently made in an effort to provide cost savings to Clean Tahoe, in lieu of options for increased funding. These modifications and extensions were made on: June 19, 2012 (Legistar 12-0660, Item 3), June 26, 2018 (Legistar 18-0731 Item 42), and June 8th, 2021 (Legistar 21-0668).

On May 10, 2022 (Legistar 22-0418) the Board approved Agreement 6449, extending the contract term from December 31, 2021, to June 30, 2023. Given the limited funding source for the Clean Tahoe program, the hours of service were reduced to no less than 240 hours of service between April 1st and September 30th, and no less than 192 hours of service between October 1st and March 31st. The fee structure changed at this time from an hourly rate, to set fees for services provided. This allowed Clean Tahoe to achieve cost savings while maintaining a quality level of service to the County.

On September 12, 2023 (Legistar 23-1509) the Board approved a new two year agreement, explicitly including the service period of April 1, 2023 through June 30, 2025. This term was specifically delineated in Article 1, Scope of Services as well as Article IV, Compensation for Services. However, despite the understanding and intent by all parties to include the retro-active term, the Contract term as written in Article III mistakenly began July 1, 2023, due to a drafting error during the Procurement

process. This amendment will allow us to pay for services performed between April 1, 2023 and June 30, 2023 as included in an invoice submitted for work performed between April 1, 2023 and September 30, 2023. The Department is unable to pay this invoice as required by Article IV of the Contract until this Amendment is adopted correcting the start date inconsistency.

ALTERNATIVES

The Board may choose to deny the approval of this Amendment. This would result in the inability of the County to provide payment for services performed as Contracted.

PRIOR BOARD ACTION

See Discussion/Background above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel has approved the proposed Agreement.

CAO RECOMMENDATION

Approve as recommended.

FINANCIAL IMPACT

There is no change to Net County Costs associated with this Agreement. Funding is obtained through the annual collection of parcel fees.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Clerk of the Board will obtain the Chair's signature on two (2) originals of the Agreement; and
- 2) Clerk of the Board will forward one (1) fully executed original Amendment to the Chief Administrative Office, Contracts and Procurement Unit, for further processing.

STRATEGIC PLAN COMPONENT

Healthy Communities

CONTACT

Jeffrey Warren, REHS, Director
Environmental Management Department