

RESOLUTION NO. 4009-2017

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING FOURTH AMENDMENT TO CASPAR TRANSFER STATION OPERATIONS AGREEMENT & LEASE BETWEEN COUNTY OF MENDOCINO AND SOLID WASTES OF WILLITS, INC. AND AUTHORIZING CITY MANAGER TO EXECUTE THE SAME

WHEREAS, Mendocino County ("County") and the City of Fort Bragg ("City") jointly own approximately 60 acres of property upon which the Caspar Landfill and Solid Waste Transfer Station are located in the Caspar area at the terminus of Prairie Way, also known as Assessor's Parcel Numbers 118-50-010 and 118-50-011 (hereinafter "Caspar property"); and

WHEREAS, the Joint Powers Agreement approved by the Fort Bragg City Council per Resolution No. 3420-2011 on January 10, 2011, and amended per Resolution No. 3423-2011 on January 24, 2011, specifies that County shall enter into a "Caspar Transfer Station Operations Agreement and Lease" (hereinafter "Caspar Operations Agreement") with Solid Wastes of Willits, Inc. ("SWOW") to convert the existing Caspar Transfer Station from County operation to operation by SWOW and requires that the City review and approve the Caspar Operations Agreement and consent to it in all respects that affect City's rights, powers, ownership, interests and liabilities; and

WHEREAS, County and SWOW entered into an agreement on January 25, 2011, with the consent and concurrence of the City of Fort Bragg, providing for operation of the Caspar Transfer Station by SWOW; and

WHEREAS, on November 28, 2011, the City approved the First Amendment to the agreement, amending Section 14(D) of the Caspar Operations Agreement to allow County to determine how future recycling commodity value adjustments, positive or negative, will be apportioned between solid waste, yard waste, metal and wood; and

WHEREAS, on January 9, 2012, the City approved the Second Amendment to the agreement, to further modify the Caspar Operations Agreement to allow for relocation of SWOW facilities in the event that development of a new commercial transfer station at the Caspar property occurs; and

WHEREAS, on February 25, 2013, the City approved the Third Amendment to the agreement to amend the fuel cost adjustment mechanism to provide a more accurate method to adjust rates which is based on a year-to-year comparison of a 12-month average of the California index for #2 diesel fuel, compiled and published by the U.S. Energy Information Administration or its successor; and

WHEREAS, the City and County would like to amend the Caspar Operations Agreement to include scrap metal and electronics in the Recycling Commodity Index.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve the Fourth Amendment to Caspar Transfer Station Operations Agreement & Lease between County of Mendocino and Solid Wastes of Willits, Inc. as shown in "Exhibit A" and authorizes the City Manager to execute the same.

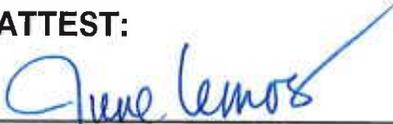
The above and foregoing Resolution was introduced by Councilmember Lee, seconded by Councilmember Turner, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 12th day of June, 2017, by the following vote:

AYES: Councilmembers Cimolino, Lee, Norvell, Turner and Mayor Peters.
NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSED: None.



LINDY PETERS,
Mayor

ATTEST:



June Lemos, CMC
City Clerk

“Exhibit A”

AMENDMENT NO. FOUR (4) TO CASPAR TRANSFER STATION OPERATIONS AGREEMENT & LEASE BETWEEN THE COUNTY OF MENDOCINO AND SOLID WASTES OF WILLITS, INC.

This Fourth Amendment to the Caspar Transfer Station Operations Agreement & Lease (“Agreement”) between the County of Mendocino and Solid Wastes of Willits, Inc. is made on this ___ day of _____, 2017 by and between the COUNTY OF MENDOCINO, a political subdivision of the State of California, hereinafter referred to as “County,” and SOLID WASTES OF WILLITS, INC., hereinafter called “Grantee.”

WHEREAS, County and Grantee entered into Agreement on January 25, 2011 with the consent and concurrence of the City of Fort Bragg, providing for operations of the Caspar Transfer Station by Grantee; and

WHEREAS, the Agreement provided in Section 14(D) for an annual adjustment to the gate fees based on changes in an index of recycling commodity values; and

WHEREAS, County and Grantee wish to amend this index of recycling commodity values to include scrap metal and electronics commodities; and

WHEREAS, pursuant to the Joint Powers Agreement between the County of Mendocino and City of Fort Bragg for Caspar Landfill and Solid Waste Transfer Station [BOS Agreement #11-007], this amendment requires the consent of the City of Fort Bragg;

NOW THEREFORE, it is agreed that Section 14(D) of the Agreement is amended to read as follows:

D. Recycling Commodity Value Adjustment

The gross market commodity value of certain Discarded Recyclable Materials collected by Grantee pursuant to this Agreement as mixed Recyclables shall be estimated from the tons collected and the average composite market value as calculated by the following weighted profile, with each category multiplied by the market price including any California Redemption Value, FOB at the Designated Recycling Processing Facility. The values below shall constitute the baseline for comparison to the Rate Period ending December 31, 2011.

COMPOSITE MARKET VALUES EFFECTIVE JANUARY 1, 2011				
Composition	Commodity	Scrap Value/Ton	CRV/Ton	Weighted Value/Ton
10.22%	OCC	\$ 122.00	-	\$ 12.47
26.80%	Mixed Paper	88.00	-	\$ 23.58
0.32%	HDPE Color	333.00	\$ 110.00	\$ 1.42
0.31%	HDPE Natural	499.00	110.00	\$ 1.89
1.18%	PET	401.00	1,180.00	\$ 18.66
0.76%	Rigid Plastics	99.00	-	\$ 0.75
1.11%	Tin	5.00	-	\$ 0.06
14.86%	Glass 3 Mix	(10.00)	84.00	\$ 11.00
0.43%	Alum. Cans	1,248.00	2,820.00	\$ 17.49
36.00%	Scrap Metal	192.13	-	\$ 69.17
1.92%	Electronics	319.73	-	\$ 6.14
6.09%	Refuse	(70.33)	-	\$ (4.28)
100.00%				
	Total Composite Market Value Per Ton:			\$ 158.33

All other terms and condition of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

DEPARTMENT FISCAL REVIEW:

GRANTEE NAME

DEPARTMENT HEAD DATE _____

Budgeted: N/A

Grant: No

By: _____

GERALD WARD, President
Solid Wastes of Willits, Inc.
351 Franklin Avenue
Willits, CA 95490

COUNTY OF MENDOCINO

By: _____

JOHN MCCOWEN, Chair
BOARD OF SUPERVISORS

By signing above, signatory warrants and represents that he/she executed this Agreement in his/her authorized capacity and that by his/her signature on this Agreement, he/she or the entity upon behalf of which he/she acted, executed this Agreement

ATTEST:

CARMEL J. ANGELO, Clerk of said Board

By: _____

Deputy

COUNTY COUNSEL REVIEW:

APPROVED AS TO FORM:

KATHARINE L. ELLIOTT,
County Counsel

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

CARMEL J. ANGELO, Clerk of said Board

By: _____

Deputy

By: _____

Deputy

INSURANCE REVIEW:

RISK MANAGER

By: _____

ALAN D. FLORA, Risk Manager

FISCAL REVIEW:

By: _____

Deputy CEO/Fiscal

EXECUTIVE OFFICE REVIEW:

APPROVAL RECOMMENDED

By: _____

CARMEL J. ANGELO, Chief Executive Officer

Signatory Authority: \$0-25,000 Department; \$25,001-50,000 Purchasing Agent; **\$50,001+ Board of Supervisors**
Exception to Bid Process Required/Completed _____