

RESOLUTION NO. 23-113

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS WAIVING FRANCHISE FEE DELINQUENCY PENALTY IN THE AMOUNT OF \$25,828.54, AND APPROVING AMENDMENT NUMBER TWO TO BOARD OF SUPERVISORS AGREEMENT NUMBER 21-219 / DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 210004, EXCLUSIVE FRANCHISE AGREEMENT BETWEEN COUNTY OF MENDOCINO AND REDWOOD WASTE SOLUTIONS, INC., FOR RESIDENTIAL AND COMMERCIAL GARBAGE, RECYCLABLE MATERIAL AND ORGANIC WASTE COLLECTION FOR COUNTY SOLID WASTE FRANCHISE AREA NUMBER TWO (UKIAH AND FORT BRAGG AREAS)

WHEREAS, Board of Supervisors (BOS) Agreement Number (No.) 21-219 / Department of Transportation (DOT) Agreement No. 210004 (Agreement) was entered into on December 7, 2021, with Redwood Waste Solutions, Inc., for residential and commercial garbage, recyclable material and organic waste collection for County Solid Waste Franchise Area No. Two; and Amendment No. One (BOS Agreement No. 21-219-A1) was entered into on February 28, 2023; and

WHEREAS, Section 8.1.2 of the Agreement - Franchise Fee – Quarterly Payments and Revenue Statements, requires Redwood Waste Solutions, Inc., pay the franchise fee in quarterly payments due within thirty (30) days after the close of each calendar quarter; and

WHEREAS, Section 8.1.4 of the Agreement - Franchise Fee – Delinquency Payment, states payments are delinquent if not received by the County within thirty (30) days and establishes a delinquency penalty of ten percent (10%), which attaches on the first day of delinquency; and

WHEREAS, the quarterly Franchise Fee payment due on April 30, 2023, which fell on a Sunday, was not received until Monday, May 1, 2023, resulting in a delinquency penalty of 10%, or \$25,828.54; and

WHEREAS, it is common practice to extend a deadline that falls on a non-business day to the next succeeding business day; and

WHEREAS, DOT believes it is reasonable to waive the delinquency penalty and to amend the Agreement to specify that any payments due on a non-business day shall be due on the next succeeding business day.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Waives the franchise fee delinquency penalty in the amount of \$25,828.54, due to the County from Redwood Waste Solutions, Inc.; and
2. Approves Amendment Number Two to Board of Supervisors Agreement Number 21-219 / Department of Transportation Agreement Number 210004; and

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3. Authorizes and directs the Chair of the Board of Supervisors to execute said Amendment Number Two on behalf of Mendocino County.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Mulheren, and carried this 20th day of June, 2023, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE
Clerk of the Board

GLENN MCGOURTY, Chair
Mendocino County Board of Supervisors

Deputy

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

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: DARCIE ANTLE
Clerk of the Board

Deputy