

RESOLUTION NO. 22-239

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 220036, AMENDED AND RESTATED AGREEMENT BETWEEN THE COUNTY OF MENDOCINO AND COLD CREEK COMPOST, INC., FOR ORGANIC WASTE COMPOSTING SERVICES, FOR THE TERM BEGINNING UPON EXECUTION OF THE AGREEMENT THROUGH DECEMBER 31, 2037 (COUNTYWIDE)

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989 ("AB 939"), has declared that it is within the public interest to authorize and require local agencies to make adequate provisions for Solid Waste handling within their jurisdictions; and

WHEREAS, the County of Mendocino (County) recognizes its obligation to provide for reliable and economical disposal of organic waste for its citizens; and

WHEREAS, pursuant to California Public Resources Code Section 40059 and Mendocino County Code Section 9A.12.140(A)(4), the County has the right to direct the wastestream to be diverted to any organic waste processing facility the County may designate; and

WHEREAS, on July 7, 2015, the Board entered into Board of Supervisors (BOS) Agreement Number (No.) 15-071 with Cold Creek Compost, Inc. (Cold Creek), for organic waste composting services; and

WHEREAS, Senate Bill (SB) 1383, which went into effect on January 1, 2022, necessitates an amendment be made to the Agreement to incorporate new provisions related to organic waste handling and processing, and record-keeping and reporting requirements; and

WHEREAS, in order to allow for an effective implementation of the new requirements and to ensure organic waste recycling capacity, as required by SB 1383, Department of Transportation (DOT) staff recommends extending the expiration of the Agreement from December 31, 2022, to December 31, 2037; and

WHEREAS, due to the vast number of changes needed to the Agreement, it is appropriate the County and Cold Creek enter into an Amended and Restated Agreement, which will supersede the current Agreement; and

WHEREAS, as terms of the new Agreement, Cold Creek has agreed to reserve for the County an annual organic waste processing capacity of 4,000 tons and to donate, at no cost to the County, 150 tons of compost annually to assist the County in meeting its new recycled organic waste product procurement requirements; and

WHEREAS, the terms of the new Agreement will increase the organic waste tipping fee from \$38.58 to \$60.00 per ton, which will result in a nominal increase to curbside collection rates and transfer station gate fees.

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

1. Approves DOT Agreement No. 220036, Amended and Restated Agreement Between the County of Mendocino and Cold Creek Compost, Inc., for Organic Waste Composting Services; and

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2. Authorizes and directs the Chair of the Board of Supervisors to execute said Agreement on behalf of Mendocino County.

The foregoing Resolution introduced by Supervisor Mulheren, seconded by Supervisor McGourty, and carried this 6th day of December, 2022, 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

TED WILLIAMS, 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