

RESOLUTION NO. 21-029

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DEPARTMENT OF TRANSPORTATION AGREEMENT NUMBER 210014, SITE USE AGREEMENT FOR TAYLOR DRIVE SOLID WASTE TRANSFER STATION BETWEEN SOLID WASTE SYSTEMS, INC. AND COUNTY OF MENDOCINO, TO DIRECT WASTE STREAM FROM SOLID WASTE FRANCHISE COLLECTION AREA NUMBER TWO INLAND RATE ZONE TO THE SOLID WASTE TRANSFER STATION AT 3151 TAYLOR DRIVE, UKIAH, CALIFORNIA (UKIAH AREA)

WHEREAS, Mendocino County (COUNTY) Board of Supervisors (BOS) Agreement Number (No.) 03-310 with Solid Waste Systems Inc. (OPERATOR), to direct Solid Waste Franchise Collection Area Number Two Inland Rate Zone (SERVICE AREA) curbside solid waste collected under the Franchise Agreement to the solid waste transfer station at 3151 Taylor Drive, Ukiah, California, expired on June 3, 2018; and

WHEREAS, COUNTY exercises flow control over Franchised Waste haulers of solid waste within the unincorporated areas of the COUNTY; and

WHEREAS, COUNTY recognizes its obligation to provide for reliable and economical disposal of Solid Waste for its citizens in this SERVICE AREA; and

WHEREAS, OPERATOR is obligated to operate the Solid Waste Transfer Station at 3151 Taylor Drive, Ukiah (TRANSFER STATION) in conformance with their Second Amended and Restated Transfer Station Agreement, dated October 7, 2015, as amended, with City of Ukiah (CITY), hereinafter called the "CITY TRANSFER STATION AGREEMENT", and to receive, transport, recycle, and dispose of solid waste by transporting to a Landfill and/or any other appropriate disposal facility authorized by law to receive such waste; and

WHEREAS, after discussion and negotiations, OPERATOR has agreed to perform the service under DOT Agreement No. 210014 at the same rate schedule established by the CITY TRANSFER STATION AGREEMENT; and

WHEREAS, Department of Transportation (DOT) believes it is expedient for the COUNTY to agree that the CITY TRANSFER STATION AGREEMENT may be amended or restated, and any and all rates thereunder may be modified, at any time, by the OPERATOR and the CITY without the COUNTY's review, approval or consent and that CITY or a new operator selected by the CITY may assume the obligations of the OPERATOR under this Agreement, which could remain in effect until December 31, 2036, if the TRANSFER STATION AGREEMENT is not terminated by the CITY prior to December 31, 2036.

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

1. Approves DOT Agreement No. 210014, Site Use Agreement for Taylor Drive Transfer Station between Solid Waste Systems, Inc. and County of Mendocino, for equal service to COUNTY residents in conformance with the CITY TRANSFER STATION AGREEMENT; and
2. Authorizes and directs the Chair of the Board of Supervisors to execute said DOT Agreement No. 210014 on behalf of Mendocino County; and

3. Authorizes the Director of Transportation or his designated representative to sign any and all amendments to this agreement that will not result in an increase cost beyond the amount amounts authorized by CITY for their customers and that are operational in nature.

The foregoing Resolution introduced by Supervisor Williams, seconded by Supervisor Haschak, and carried this 9th day of March, 2021, 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: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, 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: CARMEL J. ANGELO
Clerk of the Board

Deputy