



Mendocino County

Legislation Details (With Text)

File #: 17-0005 **Version:** 1 **Name:**
Type: Approval **Status:** Approved
File created: 1/4/2017 **In control:** Board of Supervisors
On agenda: 1/10/2017 **Final action:**
Title: Approval for Mendocino County Solid Waste Director to Transmit a Letter to Solid Waste of Willits (SWOW) Requesting Covenant Not to Sue and Hold Harmless Agreement (Sponsors: Supervisors Hamburg and McCowen - Solid Waste of Willits Ad Hoc Committee)

Sponsors:

Indexes:

Code sections:

Attachments: 1. SWOW letter January 10_2017-FINAL.pdf, 2. Covenant Not to Sue Hold Harmless 1042017-FINAL.pdf

| Date | Ver. | Action By | Action | Result |
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To: Board of Supervisors

From: Executive Office

Meeting Date: January 10, 2017

Department Contact: Supervisor Hamburg

Phone: 463-4441

Department Contact: Supervisor McCowen

Phone: 463-4441

Item Type: Consent Agenda

Time Allocated for Item: N/A

Agenda Title:

Approval for Mendocino County Solid Waste Director to Transmit a Letter to Solid Waste of Willits (SWOW) Requesting Covenant Not to Sue and Hold Harmless Agreement (Sponsors: Supervisors Hamburg and McCowen - Solid Waste of Willits Ad Hoc Committee)

Recommended Action/Motion:

Approve Mendocino County Solid Waste Director to transmit a letter to Solid Waste of Willits (SWOW) requesting Covenant Not to Sue and Hold Harmless Agreement; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On December 20, 2016, Jerry Ward, representing Solid Waste of Willits (SWOW), represented to the Board of Supervisors that SWOW was unable to meet payroll and at imminent risk of insolvency. The County holds contracts with SWOW to provide solid waste services in County Franchise Areas 1, 3, and 4 and to operate the Caspar Transfer Station and a separate contract to operate five additional County transfer stations.

Summary of Request:

On December 20, 2016, Jerry Ward, representing Solid Waste of Willits (SWOW), represented to the Board of

Supervisors that SWOW was unable to meet payroll and at imminent risk of insolvency. The County holds contracts with SWOW to provide solid waste services in County Franchise Areas 1, 3, and 4 and to operate the Caspar Transfer Station and a separate contract to operate five additional County transfer stations. Inability by SWOW to fulfill its contractual obligations due to financial insolvency may require the County to identify alternative means of assuring continuation of the contracted services. In order to protect the County from potential liability it is necessary for SWOW to sign the attached Covenant Not to Sue and Hold Harmless Agreement. This document will allow the County to identify alternative means of assuring continuation of the contracted services in the event of default by SWOW. The Ad Hoc Committee recommends Board approval for Mendocino County Solid Waste Director Morris to transmit the attached letter requiring execution of the Covenant Not to Sue and Hold Harmless Agreement.

Alternative Action/Motion:

Do not approve transmittal of letter or approve transmittal of letter as amended

Supplemental Information Available Online at: N/A

Fiscal Impact:

Source of Funding: N/A

Budgeted in Current F/Y: N/A

Current F/Y Cost: N/A

Annual Recurring Cost: N/A

Supervisory District: District 2 District 5

Vote Requirement: Majority

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Janelle Rau, Deputy CEO

CEO Review: Yes

Comments: