



# Mendocino County

## Legislation Text

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**File #:** 17-0433, **Version:** 1

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**To:** Board of Supervisors

**From:** County Counsel

**Meeting Date:** June 20, 2017

**Department Contact:** Katharine Elliott      **Phone:** 234-6885  
Louisa Morris, County Solid Waste Director      **Phone:** 468-9710

**Item Type:** Consent Agenda

**Time Allocated for Item:** N/A

**Agenda Title:**

Adoption of Resolution Approving Amendment to Franchise Agreement with USA Waste of California, Inc., dba Empire Waste Management for Annual Rate Adjustment for Solid Waste Collection Area No. Two for 2017

**Recommended Action/Motion:**

Adopt Resolution approving Amendment to Franchise Agreement with USA Waste of California, Inc., dba Empire Waste Management for annual rate adjustment for Solid Waste Refuse Collection Area No. Two (2); and authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

The Board approved Agreement for Solid Waste Refuse Collection Area Two (2) with Empire Waste Management on May 11, 2004, and extended Agreement on August 23, 2011 until June 30, 2021. The Board also approved Amendment No. 12 to this Agreement, to adjust the diesel fuel index used for calculating the annual rate adjustment from the U.S. Bureau of Labor Statistics index to the U.S. Energy Administration Index and made the adjustment based upon the most recent 12-month average, on January 22, 2013.

**Summary of Request:**

Staff recommends adjustments to the franchise collection rates for Calendar Year 2017 affecting the two zone rates as identified in the Agreement, Section 14 (Grantee's Rates) and Section 15 (Rate Adjustment Procedure). Staff recommends a proposed rate decrease of 1.63% in the Coastal Rate Zone and an increase of 3.88% in the Inland Rate Zone. Additionally, there is a proposed reinstatement of some fees that were on the 2009 rate sheets and proposed fees for new commercial services ("insta-bins" and compactors). The proposed Amendment includes Exhibit B, "Franchise Area Two (2) Rate Adjustments, January 1-December 31, 2017," which contains detailed information on these proposed rate adjustments.

Mendocino Solid Waste Management Authority ("MSWMA") has reviewed and analyzed this rate adjustment request as a service provided to the County under the contract between the County and MSWMA. MSWMA processes requests for the rate adjustments annually and provides recommendations to the County Board of Supervisors and Chief Executive Office. These annual rate adjustments for the Agreement for Solid Waste Refuse Area Two (2) require Board approval, in accordance with the Agreement, Section 14(B)(5) (Rate Requirements).

Approval of the attached Amendment to the solid waste collection Agreement will not have a direct financial impact on the County.

**Alternative Action/Motion:**

Decline to approve Amendment. Staff does not recommend this action because annual rate adjustments are contractually allowed and the proposed Amendment (No. 13) was developed pursuant to the process outlined in the Agreement between Mendocino County and USA Waste of California (Empire Waste Management), Section 14 (Grantee's Rates) and Section 15 (Rate Adjustment Procedures).

**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:** All

**Vote Requirement:** Majority

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes

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**CEO Liaison:** Janelle Rau, Deputy CEO

**CEO Review:** Yes

**Comments:** This Amendment does not affect Supervisory District 3.