



Mendocino County

Legislation Text

File #: 19-0455, Version: 1

To: Board of Supervisors

From: Supervisor McCowen and Supervisor Gjerde

Meeting Date: May 21, 2019

Department Contact: John McCowen

Phone: 463-42211

Department Contact: Dan Gjerde

Phone: 463-4221

Item Type: Regular Agenda

Time Allocated for Item: 30 min

Agenda Title:

Discussion and Possible Action Regarding an Informational Report from the Board Ad Hoc Committee, Appointed in Connection to the C&S Proposal to Provide HazMat Services, Including Recommendations Related to an Amended and Restated JPA with Mendocino Solid Waste Management Authority (MSWMA); the County's Contract with MSWMA for Solid Waste Director Services; and Recommendations for On-Going Franchise Contract Monitoring and Negotiation Services
(Sponsor: MSWMA Ad Hoc Committee (Supervisors McCowen and Gjerde))

Recommended Action/Motion:

Support MSWMA moving forward with an amended and restated JPA, and continuing negotiations for a contract with C&S for core functions of MSWMA; direct Executive Office staff to notify MSWMA that the County contract for Solid Waste Director services will be cancelled effective immediately, with a request for waiver of the 90 day notice of termination period; and provide direction to staff regarding the future provision of solid waste contract monitoring and negotiation services.

Previous Board/Board Committee Actions:

MSWMA was created through a JPA approved in 1990. In 2009, the Board approved Agreement No. 09-214 with MSWMA for the County to pay MSWMA \$99,572 annually in exchange for the MSWMA General Manager serving as the Solid Waste Director for the County of Mendocino. A Board Ad Hoc was created in connection to a proposal from C&S Waste to provide HazMat services. On May 14, 2019, it was directed that an update on these matters be brought to the Board on May 21, 2019.

Summary of Request:

Historically, the County Solid Waste Director was a position in the Department of Transportation. In 2009, the County contracted with MSWMA to have its General Manager serve as the County Solid Waste Director. In recent years, MSWMA has experienced vacancies and turnover in the General Manager position, although County funding for Solid Waste Director services from MSWMA remained constant. The most recent MSWMA General Manager left that position November 1, 2018 and despite repeated recruitments the General Manager/County Solid Waste Director position has remained vacant since that time. Additionally, C&S Waste recently provided MSWMA with a proposal that would have C&S Waste provide HazMat services, which led to the Board's appointment of an Ad Hoc Committee to consider the proposal. Also as part of this process, because the purpose and function of MSWMA has evolved over time the MSWMA Board has determined that it

is appropriate to update the original JPA.

The Board Ad Hoc recommends supporting an amended and restated JPA for MSWMA; supporting MSWMA in continuing negotiations for a contract to conduct core functions of MSWMA; and issuing a notice of termination of the contract with MSWMA for provision of Solid Waste Director services. Additionally, the Board Ad Hoc recommends that the contract monitoring and negotiation duties be resumed by the County. Possible options include assigning these duties to a County employee, potentially within the Department of Transportation, or contracting with a consultant qualified to provide these services. In the latter case, it is possible to include within the franchise agreements funding to pay for a consultant to assist with contract negotiations with the cost being included as a pass through to the rate payers. The Board is requested to consider the recommendations of the Ad Hoc committee and provide direction to staff.

Alternative Action/Motion:

Take no action; provide direction to staff.

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: BU 4510

current f/y cost: \$99,572

annual recurring cost: \$99,572

budgeted in current f/y: Yes

if no, please describe:

revenue agreement: N/A

budget clarification: Payment is made to MSWMA on a quarterly basis, upon receipt of invoice.

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

CEO Liaison: Executive Office

CEO Review: Choose an item.

CEO Comments:

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Executed By: Lindsey Dunham, Deputy Clerk I

Date: May 22, 2019

Final Status: **No Action Taken**

