

RESOLUTION NO. 3492-2011

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING FIRST AMENDMENT TO CASPAR TRANSFER STATION OPERATIONS AGREEMENT & LEASE BETWEEN COUNTY OF MENDOCINO AND SOLID WASTES OF WILLITS, INC. AND AUTHORIZING CITY MANAGER TO EXECUTE THE SAME

WHEREAS, Mendocino County ("County") and the City of Fort Bragg ("City") jointly own approximately 60 acres of property upon which the Caspar Landfill and Solid Waste Transfer Station are located in the Caspar area at the terminus of Prairie Way, also known as Assessor's Parcel Numbers 118-50-010 and 118-50-011 (hereinafter "Caspar property"); and

WHEREAS, the Joint Powers Agreement approved by the Fort Bragg City Council per Resolution No. 3420-2011 on January 10, 2011, and amended per Resolution No. 3423-2011 on January 24, 2011, specifies that County shall enter into a "Caspar Transfer Station Operations Agreement and Lease"(hereinafter, "Caspar Operations Agreement") with Solid Wastes of Willits, Inc. ("SWOW") to convert the existing Caspar Transfer Station, from County operation to operation by SWOW and requires that the City review and approve the Caspar Operations Agreement and consent to it in all respects that affect City's rights, powers, ownership, interests and liabilities; and

WHEREAS, County and SWOW entered into an agreement on January 25, 2011, with the consent and concurrence of the City of Fort Bragg, providing for operation of the Caspar Transfer Station by SWOW; and

WHEREAS, the agreement provided in Section 14(D) for an annual adjustment to the gate fees based on changes in an index of recycling commodity values; and

WHEREAS, the recycling commodity value adjustment effective January 1, 2012 will apply an increase of \$18,713 in recycling revenue toward reduction in gate fees; and

WHEREAS, the County wishes to apply this adjustment, effective January 1, 2012, exclusively to the gate fee for recyclable yard waste, metal and wood, resulting in the following gate fees:

Solid Waste and Demolition Waste: \$22.75 per cubic yard and \$11.50 per one-half cubic yard, plus any rent as set forth in Section 16(B).

Yard waste, wood waste & metal: \$18.50 per cubic yard and \$9.25 per one-half cubic yard; and

WHEREAS, the County wishes to amend Section 14(D) of the Caspar Operations Agreement to allow County to determine how future recycling commodity value adjustments, positive or negative, will be apportioned between solid waste, yard waste, metal and wood; and

WHEREAS, this amendment is simply an administrative change in how the recycling commodity value adjustments are to be allocated to the reduction (or increase) in gate fees and therefore, it is not considered a "project" for CEQA purposes; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. By directing all of the Recycling Commodity Value Adjustment to the recyclable portion of the gate fees, effective January 1, 2012, the amendment will help to encourage recycling and a reduction in the amount of solid waste collected at the Caspar Transfer Station in accordance with AB 939 waste reduction goals.
2. The proposed contract amendment would allow the County flexibility in apportioning savings (or costs) associated with the Recycling Commodity Value Adjustment to the gate fees rather than uniformly allocating the credit (or charge) to the gate fees for both solid waste and yard waste, wood waste and metal.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve the First Amendment to Caspar Transfer Station Operations Agreement & Lease between County of Mendocino and Solid Wastes of Willits, Inc. as shown in "Exhibit A" and authorizes the City Manager to execute the same.

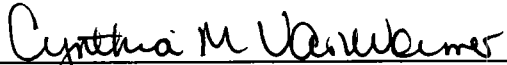
The above and foregoing Resolution was introduced by Councilmember Courtney, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 28th day of November 2011, by the following vote:

AYES: Councilmembers Courtney, Gjerde, Hammerstrom, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.



DAVE TURNER,
Mayor

ATTEST:



Cynthia M. VanWormer, CMC
City Clerk

"Exhibit A"

**FIRST AMENDMENT TO CASPAR TRANSFER STATION OPERATIONS
AGREEMENT & LEASE BETWEEN COUNTY OF MENDOCINO AND SOLID
WASTES OF WILLITS, INC. [BOS AGREEMENT #11-008]**

This first amendment to the Caspar Transfer Station Operations Agreement & Lease is made this _____ day of December, 2011, at Ukiah, California between the County of Mendocino [hereinafter, "County"] and Solid Wastes of Willits, Inc.[hereinafter, "SWOW"].

WHEREAS, County and SWOW entered into an agreement on January 25, 2011, with the consent and concurrence of the City of Fort Bragg, providing for operation of the Caspar Transfer Station by SWOW; and

WHEREAS, the agreement provided in Section 14(D) for an annual adjustment to the gate fees based on changes in an index of recycling commodity values; and

WHEREAS, the recycling commodity value adjustment effective January 1, 2012 will apply an increase of \$18,713 in recycling revenue toward reduction in gate fees; and

WHEREAS, County and SWOW wish to apply this adjustment effective January 1, 2012 exclusively to the gate fee for recyclable yard waste, metal and wood, and thereafter allow County to determine how future recycling commodity value adjustments, positive or negative, will be apportioned between solid waste, yard waste, metal and wood;

NOW, THEREFORE the agreement is amended as follows:

1. The following gate fees in Exhibit B of the agreement will be amended effective January 1, 2012 to be:

Solid Waste and Demolition Waste: \$22.75 per cubic yard and \$11.50 per one-half cubic yard, plus any rent as set forth in Section 16(B).

Yard waste, wood waste & metal: \$18.50 per cubic yard and \$9.25 per one-half cubic yard.

2. The following sentence is added to Section 14(D): Recycling commodity value adjustments effective January 1, 2013 and thereafter, either positive or negative, will be apportioned between solid waste, yard waste, wood waste and metal as directed by County.
3. All other terms and conditions of the agreement remain in effect.

COUNTY OF MENDOCINO

SOLID WASTES OF WILLITS, INC.

Kendall Smith
Chair, Board of Supervisors

Gerald Ward, CEO

Attest:

Clerk of the Board

Approved as to form:

Jeanine B. Nadel
County Counsel

Approved as to Insurance Requirements:

Kristin McMenemy, Risk Manager

AMENDMENT APPROVED BY CITY OF FORT BRAGG

Linda Ruffing, City Manager

DATE: _____

Attest:

Cynthia M. VanWormer, CMC, City Clerk