



RESOLUTION No. _____

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

APPROVAL AND AWARD OF FRANCHISE AGREEMENT WITH TAHOE TRUCKEE DISPOSAL COMPANY, INC., A CALIFORNIA CORPORATION, (DBA TAHOE TRUCKEE SIERRA DISPOSAL OR TTSD), FOR THE COLLECTION, TRANSPORTATION, PROCESSING, AND DISPOSAL OF DISCARDED MATERIALS, IN THE UNINCORPORATED AREA OF EASTERN NEVADA COUNTY

WHEREAS, the County currently has a franchise agreement with Tahoe Truckee Disposal Company, Inc., a California Corporation (DBA, Tahoe Truckee Sierra Disposal or TTSD), for collection and disposal of solid waste generated in Eastern Nevada County; and

WHEREAS, the existing agreement was originally executed in 2003 (Resolution 03-317) and expires on June 30, 2019; and

WHEREAS, on November 7, 2017 the County awarded a contract to HF&H Consultants, LLC, to assist in negotiating a new agreement with TTSD (Resolution 17-551); and

WHEREAS, negotiations have been completed and staff is recommending approval and award of the proposed Franchise Agreement with Tahoe Truckee Disposal Company, Inc., a California Corporation, for the Collection, Transportation, Processing, and Disposal of Discarded Materials, in the Unincorporated Area of Eastern Nevada County; and

WHEREAS, both parties agree to enter into a franchise agreement for a period of 10 years, July 1, 2019 through June 30, 2029; and

WHEREAS, this agreement may be extended without amendment for a period of up to one (1) year at the County's sole option, and/or upon mutual agreement by both Parties, for a period of no more than three (3) additional years for a total Term that does not exceed thirteen (13) years; and

WHEREAS, pursuant to California Public Resources Code Section 40059 (a) (1), the Board of Supervisors of the County has determined that the public health, safety and well-being require that an exclusive Agreement be awarded to a qualified Discarded Materials enterprise for the Collection and Processing of Discarded Materials from certain Residential, industrial and Commercial areas in Eastern Nevada County; and

WHEREAS, Nevada County Local Agency Formation Commission adopted Resolution 92-06 making determinations and approving the Proposed Incorporation of the County of Nevada and Reorganization of County Service Areas which required the Discarded Materials services, rights, parcel charges and duties of County Service Areas 4, 5, 6, 8, 9, 10, 11, 19, and 35 to be transferred and consolidated into County Service Area 7 and names County Service Area 7 (which includes tax rate areas 77004, 77005, 77007, 77009, 77014, 77025, 77029, 77030, 77032, 77034, 77043 and 77063) as the successor Agency for Discarded Materials services for the County of Nevada; and

WHEREAS, TTSD has represented and warranted to County that it has the experience, responsibility, and qualifications to arrange with residents, Commercial, industrial, institutional and other entities in the Franchise Area for the Collection and safe transport to Processing, or Disposal facilities of Discarded Materials, and the Board of Supervisors of the County determines and finds that the public interest, health, safety and well-being would be best served if Grantee were to make arrangements with residents and other entities to perform these services; and

WHEREAS, the Board of Supervisors of the County declares its intention of maintaining reasonable Rates for Collection, transportation, Processing, and Disposal of Discarded Materials within the area covered by this grant of Agreement.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ORDERED that the Nevada County Board of Supervisors does hereby:

1. That the foregoing recitals are true and correct.
2. Approves and awards a franchise agreement to Tahoe Truckee Disposal Company, Inc., a California Corporation, (DBA, Tahoe Truckee Sierra Disposal or TTSD), for the Collection, Transportation, Processing, and Disposal of Discarded Materials, in the Unincorporated Area of Eastern Nevada County, in substantially the form presented to the Board of Supervisors, for a period of 10 years, beginning July 1, 2019 through June 30, 2029.
3. That the Chair of the Board of Supervisors is hereby authorized to execute the Franchise Agreement, attached hereto, and all associated documents necessary to finalize the agreement, on behalf of the County of Nevada, upon receipt of the Performance Bond and Certificate of Insurance by the Director of the Department of Public Works and approval and acceptance of the Certificate of Insurance by the Risk Manager.
4. That the Auditor-Controller shall deposit all funds received pursuant to the Agreement into Revenue Account: 0101-10206-272-1000/410730