



RESOLUTION No. 19-631

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

APPROVAL OF AMENDMENT NO. 3, TO THE MEMORANDUM OF UNDERSTANDING BETWEEN PLACER COUNTY AND NEVADA COUNTY FOR USE OF THE EASTERN REGIONAL MATERIAL RECOVERY FACILITY (DISTRICT 5)

WHEREAS, on December 9, 1997, the Nevada County Board of Supervisors approved Resolution 97-523, authorizing a Memorandum of Understanding between Placer County and Nevada County for use of the Eastern Regional Material Recovery Facility ("ERMRF") for disposal of solid waste generated in Eastern Nevada County; and

WHEREAS, this 20 year agreement was scheduled to expire on December 9, 2017, Resolutions 17-600 and 18-587 extended the expiration date to December 31, 2019; and

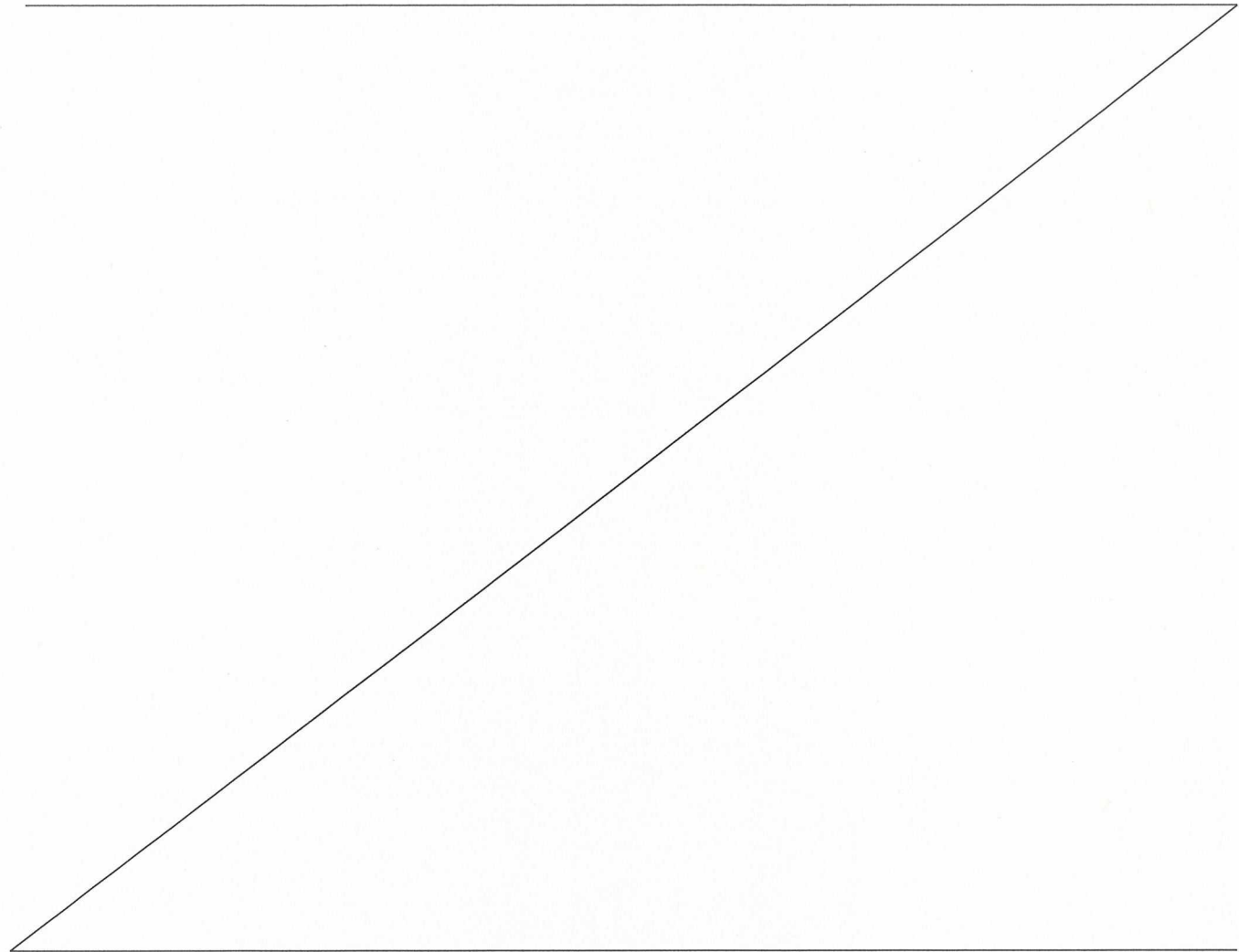
WHEREAS, Nevada County awarded a franchise agreement to Tahoe Truckee Disposal Company, Inc. (DBA Tahoe Truckee Sierra Disposal or TTSD), for collection, transportation, processing, and disposal of discarded material in the unincorporated area of Eastern Nevada County for a period of ten (10) years; and

WHEREAS, Placer County and Nevada County desire to extend the term of the Memorandum of Understanding to January 31, 2020 for the purposes of finalizing negotiations on a proposed new multiyear Memorandum of Understanding between the parties for use of the ERMRF to address modifications outlined in the new franchise agreement with Tahoe Truckee Disposal Company, Inc., and applicable regulatory changes since 1997; and

WHEREAS, this amendment would extend the term of the existing Memorandum of Understanding to January 31, 2020, with no other changes proposed.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Nevada County Board of Supervisors:

1. Approves Amendment No. 3 and authorizes the Chair of the Board of Supervisors to execute on behalf of Nevada County the attached amendment to the Memorandum of Understanding between Placer County and Nevada County for use of the Eastern Regional Material Recovery Facility, extending the expiration date to January 31, 2020.



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a special meeting of said Board, held on the 17th day of December, 2019, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward Scofield, Dan Miller, Susan K. Hoek and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

JULIE PATTERSON HUNTER
Clerk of the Board of Supervisors

By: 



Richard Anderson, Chair

12/17/2019 cc: DPW*
AC* (Hold)

1/17/2020 cc: DPW*
AC* (Release)
Placer

MEMORANDUM OF UNDERSTANDING NO. 10776

DESCRIPTION: THIRD AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN PLACER COUNTY AND NEVADA COUNTY FOR USE OF THE EASTERN REGIONAL MATERIAL RECOVERY FACILITY

This Third Amendment is made and entered into this 17th day of December, 2019, by and between the County of Placer, hereinafter referred to as "Placer County", and the County of Nevada, hereinafter referred to as "Nevada County".

WITNESSETH

WHEREAS, on the 9TH day of December, 1997, Placer County and Nevada County entered into a Memorandum of Understanding for use of the Eastern Regional Material Recovery Facility (ERMRF) located at 900 Cabin Creek Road off State Route 89, approximately three miles south of the Town of Truckee, California for the recovery of recyclable materials from the waste stream delivered to the ERMRF from various local jurisdictions including Placer County and Nevada County; and,

WHEREAS, Memorandum of Understanding expired twenty (20) years from the date of signing; and,

WHEREAS, on the 10th day of January, 2018, Placer County and Nevada County executed the First Amendment to extend the term of the Memorandum of Understanding to December 31, 2018; and,

WHEREAS, on the 11th day of December, 2018, Placer County and Nevada County executed the Second Amendment to extend the term of the Memorandum of Understanding to December 31, 2019; and,

WHEREAS, Placer County and Nevada County desire to extend the term of the Memorandum of Understanding to January 31, 2020 for the purposes of finalizing negotiations on a proposed new multiyear Memorandum of Understanding between the parties for use of the ERMRF; and,

WHEREAS, Placer County and Nevada County wish to memorialize in this Third Amendment their agreement regarding the foregoing issues.

NOW, THEREFORE, it is hereby agreed by the parties as follows:

I. Section 2. TERM: Paragraph 1, First Sentence, revise as follows:

"This Memorandum of Understanding shall expire on January 31, 2020 unless terminated under the following circumstances:"

II. Except as expressly provided in this Third Amendment, the Memorandum of Understanding shall remain unchanged and in full force and effect. After this Third Amendment is duly executed and delivered by Placer County and Nevada County, this

Third Amendment shall be and constitute an integral part of the Memorandum of Understanding.

[Signatures on following page]

County of Nevada (Nevada County)

By: Heidi Hall, Vice Chair
for Chair, Board of Supervisors

12/27/19
Date

APPROVED AS TO FORM

By: [Signature]
Nevada County Counsel

County of Placer (Placer County)

By: Ken Graham
Print Name: KEN GRAHAM
Title: DIRECTOR
Date: 1/6/20

APPROVED AS TO FORM:

By: [Signature]
Placer County Counsel