

Resolution No. _____

Sonoma County Administration Center
Santa Rosa, CA 95403

Date: September 29, 2009

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA,
STATE OF CALIFORNIA, APPROVING A 20-YEAR SOLID WASTE COLLECTION
FRANCHISE AGREEMENT BY AND BETWEEN THE COUNTY OF SONOMA AND
REDWOOD EMPIRE DISPOSAL OF SONOMA COUNTY, INC. AND GIVING
DIRECTION TO STAFF

WHEREAS, pursuant to Article XI, § 7 of the California Constitution, County has authority over matters of public health and sanitation, including without limitation the collection and management of all solid waste within its geographic jurisdiction; and

WHEREAS, the California Integrated Waste Management Act of 1989 (the “Act”) has established a statewide solid waste management system and process which requires the County, cities and other local jurisdictions to implement plans for source reduction, diversion, reuse and recycling as elements of an integrated solid waste management strategy; and

WHEREAS, Public Resources Code section 40059 provides that in administering the requirements of the Act, aspects of solid waste handling of local concern include, without limitation, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location and extent of providing solid waste services, and whether the services are to be provided by means of nonexclusive, partially exclusive or wholly exclusive franchise, contract, license or otherwise which may be granted by local government under terms and conditions prescribed by the governing body of the local agency; and

WHEREAS, Redwood Empire Disposal of Sonoma County, Inc. (“Redwood Disposal”) wishes to receive from the County an exclusive franchise agreement to collect all solid waste generated in the service area that its affiliates currently serve under those certain license agreements issued by the County; and

WHEREAS, it is essential to County that its franchised haulers and licensees deliver solid waste to the County solid waste facilities or such other facilities as County may direct; and

WHEREAS, the County’s grant of an exclusive franchise pursuant to its police power is a valuable right to be conferred upon Redwood Disposal, and absent a binding commitment by Redwood Disposal to deliver such solid waste to the County Facilities, as

required by the terms of the proposed Franchise Agreement, the County would not enter into the exclusive agreement with Redwood Disposal; and

WHEREAS, County staff has negotiated the proposed terms and conditions of the exclusive franchise agreement which include in part the following provisions:

- The area proposed to be served under the franchise agreement is the same area currently being served by Redwood Disposal’s affiliates under licenses issued by the County.
- The scope of the exclusive nature of the collection services is the same as it is currently under the licensed areas in that the hauler will retain the exclusive right to collect all materials within the service area, except such materials that are exempt from licensing requirements pursuant to Section 22-21 of the Sonoma County Code.
- The length of the term of the exclusive franchise agreement is 20 years, but may be shortened to 12.5 years by the County if there is no divestiture of the County’s solid waste assets.

WHEREAS, given that the franchise agreement will provide for the continued collection of solid waste in the service area in the same basic manner as it currently exists in the service area, the Board finds that the approval of the franchise agreement is exempt from CEQA as the licensing of existing operations, involving negligible or no expansion of use (CEQA Guidelines §15301). Alternatively, the Board also finds that it can be seen with certainty that there is no possibility that approval of the franchise agreement may have a significant effect on the environment (CEQA Guidelines §15061(b)(3)).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Board, based on the foregoing findings, hereby declares and orders as follows:

1. The foregoing findings and determinations set forth herein, are true and correct, and are adopted as set forth herein.
2. The Chair is authorized to execute the Solid Waste Collection Franchise Agreement by and between the County and Redwood Disposal, substantially in the form as is on file with the Clerk of the Board.
3. The Director of Transportation and Public Works is authorized and directed to file a notice of exemption in accordance with the provisions of CEQA and the State CEQA Guidelines.

SUPERVISORS:

BROWN _____ KERNS _____ ZANE _____ CARRILLO _____ KELLEY _____

AYES _____ NOES _____ ABSTAIN _____ ABSENT _____

SO ORDERED.