



Contra
Costa
County

To: Board of Supervisors
From: John Kopchik, Director, Conservation & Development Department
Date: February 2, 2016

Subject: Continuing the Delegation of Franchise Authority to the Central Contra Costa Solid Waste Authority

RECOMMENDATION(S):

ADOPT Resolution No. 2016/61 continuing the delegation of certain authority to the Central Contra Costa Solid Waste Authority (CCCSWA) to enter into and administer franchise agreements governing the collection, diversion and disposal of solid waste, recyclable material and compostable organic material (Solid Waste Collection Agreements) from residential, commercial and light industrial customers within the unincorporated areas within CCCSWA service area.

FISCAL IMPACT:

The delegation of certain authority to the CCCSWA has no impact to the County General Fund. The costs for County staff time spent working with the CCCSWA is covered by solid waste/recycling collection franchise fees collected in the CCCSWA Franchise Area.

BACKGROUND:

The CCCSWA (also known as RecycleSmart) is a Joint Powers Authority (JPA) consisting of the cities of Lafayette, Orinda and Walnut Creek, the towns of Danville and Moraga, and the County of Contra Costa for the unincorporated areas of Alamo, Blackhawk, Diablo, Tassajara, and most unincorporated areas in and around the above mentioned cities/towns

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/02/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: February 2, 2016

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Chris Heck, Deputy

Contact: David Brockbank (925)
674-7794

cc:

(see map, EXHIBIT I).

On August 8, 1995, the County Board of Supervisors adopted Resolution No. 95/638 to authorize the CCCSWA to enter Solid Waste Collection Agreements for eight to ten years. On December 7, 2004, the Board of Supervisors

BACKGROUND: (CONT'D)

adopted Resolution No. 2004/644 to reauthorize the CCCSWA to administer Solid Waste Collection Agreements for an additional ten to twelve year period starting on March 1, 2005.

With the adoption of the two prior Resolutions, the County concluded that franchising solid waste collection on a regional basis within the CCCSWA jurisdictional boundaries would enhance coordination and planning of such collection, transfer and disposal activities, while providing for economies of scale and maximizing the rate payers' market power. The County concluded this would benefit the public served by CCCSWA, including the citizens of involved unincorporated County areas.

Pursuant to the two prior Resolutions in 1995 and 2004, the CCCSWA, on behalf of the County and its member cities, entered into franchise agreements with Pleasant Hill Bayshore Disposal (now Allied Waste Systems, Inc.) and Valley Waste Management (VWM) governing collection services provided throughout the CCCSWA service area. The franchise agreements entered into in 2004 and the County's delegation of franchise authority to the CCCSWA expired February 28, 2015.

The CCCSWA successfully negotiated the following new franchise and recycling service agreements that went into effect on March 1, 2015:

1. Franchise Agreement dated May 14, 2014 between CCCSWA and Allied Waste Systems, Inc., for franchised materials collection, transfer, transport, processing, diversion and disposal services; and
2. Franchise Agreement dated May 14, 2014 between CCCSWA and Mt. Diablo Paper Stock, Inc., dba Mt. Diablo Recycling, for recyclable materials transfer, transport, processing and diversion services.

The attached resolution renews the delegation of franchise authority to the CCCSWA for a period of ten years beginning on March 1, 2015, plus a possible extension of up to 24 months to February 28, 2027, to enter into Solid Waste Collection Agreements for the collection, transfer, transport, processing and diversion or disposal of solid waste, recyclable materials, and compostable organic materials (including food waste) generated within the unincorporated CCCSWA service area. Approval of the attached resolution formally authorizes the CCCSWA to enter the two above-noted franchise agreements on the County's behalf. Under the attached resolution, the County reserves the right to withdraw its delegation of authority from the CCCSWA at any time for any reason. If the County withdraws its delegation of authority from the CCCSWA, the Republic Collection and Disposal Agreement and the Mt. Diablo Processing Agreement, to the extent they apply to unincorporated County, will be assigned to and administered by the County for their remaining term.

The attached resolution also continues the delegation of authority to the CCCSWA to

implement the Source Reduction and Recycling Element and Household Hazardous Waste Element for the County and perform the monitoring, reporting and any related actions that may be required to comply with the State's mandatory commercial recycling and organics laws (AB 341 and AB 1826) for the unincorporated area within the CCCSWA, in part through the CCCSWA's franchising authority.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board of Supervisors does not continue the delegation of authority to the CCCSWA to enter into and administer franchise agreements governing the collection, diversion and disposal of solid waste, recyclable material and compostable organic material, it would be the equivalent of the County withdrawing its delegation of authority from the CCCSWA. The Republic Collection and Disposal Agreement and the Mt. Diablo Processing Agreement, to the extent they apply to unincorporated County, would then be assigned to and administered by the County for their remaining term.

ATTACHMENTS

Resolution No. 2016/61

Exhibit I: CCCSWA Franchise Service Area Map