



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: RES 20-115 **Name:** UFA Waste Management Amendment No 11
Type: BoS Resolution **Status:** Passed - Health Department
File created: 7/7/2020 **In control:** Board of Supervisors
On agenda: 7/28/2020 **Final action:** 7/28/2020

Title: Adopt a Resolution to:
a. Approve and authorize Amendment No. 11 to the Unified Franchise Agreement No. A-11631 (UFA or Agreement) between the County of Monterey and Waste Management, Inc., dba USA Waste of California, Inc., dba Carmel Marina Corporation (Carmel Marina Corporation), for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County to extend the Agreement through October 31, 2020 for a revised term of November 1, 2010 through October 31, 2020; and
b. Approve and authorize the Director of Health to execute Amendment No. 11 to the Unified Franchise Agreement No. A-11631 (UFA or Agreement) between the County of Monterey and Waste Management, Inc., dba USA Waste of California, Inc., dba Carmel Marina Corporation (Carmel Marina Corporation), for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County to extend the Agreement through October 31, 2020 for a revised term of November 1, 2010 through October 31, 2020.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Resolution, 3. Proposed Amendment No 11, 4. Amendment No 10, 5. Amendment No 9, 6. Amendment No 8, 7. Amendment No 7, 8. Amendment No 6, 9. Amendment No 5, 10. Amendment No 4, 11. Amendment No 3, 12. Amendment No 2, 13. Amendment No 1, 14. Agreement, 15. Item No. 35 Completed Board Order- Resolution

Date	Ver.	Action By	Action	Result
7/28/2020	1	Board of Supervisors		

Adopt a Resolution to:

a. Approve and authorize Amendment No. 11 to the Unified Franchise Agreement No. A-11631 (UFA or Agreement) between the County of Monterey and Waste Management, Inc., dba USA Waste of California, Inc., dba Carmel Marina Corporation (Carmel Marina Corporation), for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County to extend the Agreement through October 31, 2020 for a revised term of November 1, 2010 through October 31, 2020; and
b. Approve and authorize the Director of Health to execute Amendment No. 11 to the Unified Franchise Agreement No. A-11631 (UFA or Agreement) between the County of Monterey and Waste Management, Inc., dba USA Waste of California, Inc., dba Carmel Marina Corporation (Carmel Marina Corporation), for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County to extend the Agreement through October 31, 2020 for a revised term of November 1, 2010 through October 31, 2020.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution to:

a. Approve and authorize Amendment No. 11 to the Unified Franchise Agreement No. A-11631 (UFA or Agreement) between the County of Monterey and Waste Management, Inc., dba USA Waste of California, Inc., dba Carmel Marina Corporation (Carmel Marina Corporation), for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County to extend the Agreement through October 31, 2020 for a revised term of November 1, 2020 through October 31, 2020; and

b. Approve and authorize the Director of Health to execute Amendment No. 11 to the Unified Franchise Agreement No. A-11631 (UFA or Agreement) between the County of Monterey and Waste Management, Inc., dba USA Waste of California, Inc., dba Carmel Marina Corporation (Carmel Marina Corporation), for the Exclusive Collection of Solid Waste and Recyclables in Unincorporated Monterey County to extend the Agreement through October 31, 2020 for a revised term of November 1, 2020 through October 31, 2020.

SUMMARY/DISCUSSION:

Pursuant to the terms of the Unified Franchise Agreement A-11631 (hereafter, "UFA" or "Agreement"), the Director of Health seeks authorization to execute Amendment No. 11 to said UFA as previously amended pursuant to Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 (collectively, UFA) between the County of Monterey and USA Waste of California, Inc., dba Carmel Marina Corporation (hereafter, "Carmel Marina Corporation" or "Contractor").

[Proposed] Amendment No. 11 extends the term of the Unified Franchise Agreement with USA Waste of California, Inc., dba Carmel Marina Corporation (Carmel Marina Corporation) to midnight on October 31, 2020 to allow for continued negotiations with Contractor.

The original contract for these services was approved on February 2, 2010 when the Board of Supervisors awarded an exclusive Unified Franchise Agreement (UFA Agreement A-11631) to Carmel Marina Corporation per Title 10, Chapter 10.41 Solid Waste Collection and Disposal of the Monterey County Code. In accordance with Article 13.13, Adjustments to Service Rates, Surcharges and Fees of said UFA, the Director of Health requests adoption of a resolution to approve Amendment No. 11 to amend said UFA as previously amended pursuant to Amendment Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 (collectively, UFA). Proposed Amendment No. 11 would amend: Article 2. Term and Scope of Franchise, Section 2.01 Initial Term of Agreement, to extend the Agreement commencing on November 1, 2010 and terminating at midnight on August 31, 2020 for an additional sixty (60) days through midnight on October 31, 2020.

Consistent with essential public health service item 6) and pursuant to Title 10 - Health and Safety, Chapter 10.41 - Solid Waste Collection and Disposal, MCC Section 10.41.030 - Mandatory collection. Subsection A. provides that, "...All solid waste shall be collected from every occupied residence, apartment, or business...at least once a week."

While this work is not directly in support of a Monterey County Health Department 2018-2022 strategic initiative, it is in support of one (1) of the ten (10) essential public health services, specifically: 6. Enforce laws and regulations that protect health and ensure safety.

OTHER AGENCY INVOLVEMENT:

The Office of the County Counsel has reviewed and approved the proposed Amendment No. 11 as to form.

FINANCING:

There is no General Fund Contribution resulting from this Board action. Waste Management, Inc. will continue to remit franchise fees, calculated at ten percent (10%) of collected revenue, to the General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized

for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes

Prepared by: Rob Durham, Management Analyst III, 755-8979

Approved by:

Date: _____

Elsa Jimenez, Director of Health, 755-4526

Attachments:

Resolution is on file with the Clerk of the Board

[Proposed] Amendment No 11 is on file with the Clerk of the Board

Amendment No 10 is on file with the Clerk of the Board

Amendment No 9 is on file with the Clerk of the Board

Amendment No 8 is on file with the Clerk of the Board

Amendment No 7 is on file with the Clerk of the Board

Amendment No 6 is on file with the Clerk of the Board

Amendment No 5 is on file with the Clerk of the Board

Amendment No 4 is on file with the Clerk of the Board

Amendment No 3 is on file with the Clerk of the Board

Amendment No 2 is on file with the Clerk of the Board

Amendment No 1 is on file with the Clerk of the Board

Agreement is on file with the Clerk of the Board