



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

February 27, 2018

SUBJECT: Solid Waste Collection and Disposal Contract Extension

PREPARED BY: Greg Greeson, City Manager

Recommendation

It is recommended that the City Council adopt the attached resolution, approving the attached extension to the Solid Waste Collective Services Agreement (CSA).

Background

The City Council and the Regional Waste Management Authority (RWMA) previously reviewed and considered a report prepared by Sloan Vasquez McAfee (SVM) that provided an analysis of the current Collection Services Agreement (CSA) expiring in 2019. The report provided an analysis of the agreement, reviewed similar agreements, provided a market analysis and reported stakeholder input obtained from public meetings held throughout the 6-jurisdiction RWMA. Recommendations were also included.

The outcome of that discussion was consensus from the Board to pursue renegotiation of the agreement. Subsequently, the Yuba City Council voted to go out to bid for the services. The other five jurisdictions in the RWMA all expressed the desire to renegotiate with Recology.

The Administrators of the five participating jurisdictions—Live Oak, Marysville, Wheatland, Sutter County and Yuba County—have been meeting together to move forward with renegotiation. Yuba County agreed to take the lead in securing consulting expertise for the effort and entered into an agreement with HF&H Consultants, LLC for this purpose.

Participating jurisdictions have had their respective Board and Councils approve authorizing Yuba County to contract for the service, authorizing the City Managers of Live Oak, Marysville and Wheatland, and the Sutter and Yuba County CAOs, acting in their capacity as Contract Administrators for the Recology Yuba Sutter CSA's, to represent the participating jurisdictions during the contract negotiations.

Discussion

HF&H Consultants has recommended to the participating jurisdictions consideration of extending the current CSA with Recology to allow sufficient time to complete the renegotiation of the agreement, or if that fails, to conduct a competitive bidding process.

The Extension Agreement allows for an extension for either 12 or 18 months from the expiration date of the current agreement on September 20, 2019. The extension may be important to allow sufficient time for completion of the negotiations, adoption by the jurisdictions of new CSAs, and if necessary, time for both competitive procurement and possible transition to a new service provider. The extension would need to be requested no later than April 30, 2018. The agreement requires the approval of all five participating jurisdictions to become effective. A copy of the agreement is attached for your review.

Fiscal Impact:

None at this time

Attachments

1. Recology Extension Agreement Resolution
2. Attachment A- Collection Service Agreement Extension

RESOLUTION NO. 03-18

**RESOLUTION OF THE CITY OF WHEATLAND
AUTHORIZING AN EXTENSION OF THE
RECOLOGY YUBA-SUTTER COLLECTION
SERVICES AGREEMENT**

WHEREAS, Yuba and Sutter Counties, and the Cities of Live Oak, Marysville and Wheatland all have entered into a Collection Service Agreements (CSA) with Recology Yuba Sutter that terminates in September 2019; and

WHEREAS, the Participating Jurisdictions desire to work together to renegotiate the terms of those agreements; and

WHEREAS, an extension of the current CSA may be required to allow sufficient time to complete the renegotiation process, or if necessary, complete competitive procurement of a new service provider; and

WHEREAS, the City Council understands that all five Participating Jurisdictions must adopt the Extension Agreement for it to be effective.

NOW, THEREFORE, BE IT RESOLVED, the City of Wheatland City Council hereby approve adoption of the Extension Agreement with Recology Yuba Sutter (attached as Attachment A) and directs the Chair to sign.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Wheatland, State of California on the 27th day of February, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Mayor

APPROVED AS TO FORM:

Jennifer Buckman, City Attorney, City of Wheatland

AGREEMENT REGARDING COLLECTION SERVICE AGREEMENTS

This Agreement Regarding Collection Service Agreements (this "Agreement") is entered into as of January 1, 2018 by and among Sutter and Yuba counties and the cities of Live Oak, Marysville and Wheatland (the "Participating Jurisdictions"), on the one hand, and Recology Yuba-Sutter, a California corporation ("Contractor"), on the other hand.

WHEREAS, each of the Participating Jurisdictions has entered into a Collection Service Agreement (each such agreement, as amended, a "CSA") with Contractor for an initial term ending on September 30, 2019;

WHEREAS, the Participating Jurisdictions and Contractor wish to enter into negotiations regarding the possible replacement of the CSAs;

WHEREAS, the parties wish to provide for the possible extension of the initial term of the CSAs by up to eighteen (18) months to ensure sufficient time for such negotiations and, if the negotiations are unsuccessful, a competitive bid process for the services contemplated by the CSAs;

NOW, THEREFORE, the parties agree as follows:

1. The Participating Jurisdictions may collectively elect to extend the initial term of their CSAs for a period of either twelve (12) or eighteen (18) months, by providing written notice of such election to Contractor on or before June 30, 2018. For the extension to be effective as to any Participating Jurisdiction's CSA, each of the five (5) Participating Jurisdictions must timely provide such notice to Contractor, executed by a duly authorized representative of such jurisdiction, and must elect the same extension period. Upon Contractor's timely receipt of the requisite notices, each CSA shall automatically and without any further action by any party be deemed amended to extend the initial term thereof to either September 30, 2020, or March 31, 2021, as the case may be. If the requisite notices are not timely received, then this Agreement shall have no further force or effect. It is understood and agreed that the provision of each CSA entitled "Option to Incorporate Additional or Modified Provisions" (Article 47 of the CSAs for Sutter County, Live Oak, Marysville and Wheatland, and Article 48 of the CSA for Yuba County) shall not apply to any period after September 30, 2019.
2. This Agreement shall not become effective unless it is executed by all Participating Jurisdictions on or before February 28, 2018. This Agreement is for the sole and exclusive benefit of the parties hereto, and nothing herein is intended to give or shall be construed to give to any person or entity other than the parties hereto any rights or remedies hereunder. The obligations of the Participating Jurisdictions hereunder shall be several and not joint. Except as expressly modified by this Agreement, each CSA shall remain in full force and effect. In the event of any conflict between this Agreement and a CSA, this Agreement shall govern. Capitalized terms used but not defined herein shall have the meanings given to them in the CSAs. This Agreement may be executed in counterparts, each of which shall be an original, and all of which together shall constitute one instrument. Facsimile signatures hereto shall be valid.

[Signature pages follow]

IN WITNESS WHEREOF, the parties have executed this Agreement Regarding Collection Service Agreements as of the date first written above.

RECOLOGY YUBA-SUTTER

By: _____
Michael J. Sangiacomo
President & CEO

Date: _____

IN WITNESS WHEREOF, the parties have executed this Agreement Regarding Collection Service Agreements as of the date first written above.

COUNTY OF SUTTER

[Name]
[Title]

Date: _____

ATTEST:

[Name]
[Title]

Date: _____

APPROVED AS TO FORM:

[Name]
[Title]

Date: _____

IN WITNESS WHEREOF, the parties have executed this Agreement Regarding Collection Service Agreements as of the date first written above.

COUNTY OF YUBA

Chair of the Board of Supervisors


Date: _____

ATTEST:

Donna Stottlemeyer
Clerk of the Board of Supervisors

Date: _____

APPROVED AS TO FORM:



Courtney C. Abril
County Counsel

Date: 1/8/2018

IN WITNESS WHEREOF, the parties have executed this Agreement Regarding Collection Service Agreements as of the date first written above.

CITY OF LIVE OAK

[Name]
[Title]

Date: _____

ATTEST:

[Name]
[Title]

Date: _____

APPROVED AS TO FORM:

[Name]
[Title]

Date: _____

IN WITNESS WHEREOF, the parties have executed this Agreement Regarding Collection Service Agreements as of the date first written above.

CITY OF MARYSVILLE

[Name]
[Title]

Date: _____

ATTEST:

[Name]
[Title]

Date: _____

APPROVED AS TO FORM:

[Name]
[Title]

Date: _____

IN WITNESS WHEREOF, the parties have executed this Agreement Regarding Collection Service Agreements as of the date first written above.

CITY OF WHEATLAND

[Name]
[Title]

Date: _____

ATTEST:

[Name]
[Title]

Date: _____

APPROVED AS TO FORM:

[Name]
[Title]

Date: _____