



CITY OF WHEATLAND

CITY COUNCIL MEETING STAFF REPORT

November 14, 2017

SUBJECT: Council Consider Adopting the Attached Resolution Authorizing Yuba County to Contract for Consulting Services on Behalf of the City of Wheatland for Assistance with Negotiating New Recology Yuba Sutter Collection Services Agreement

PREPARED BY: Greg Greeson, City Manager

Recommendation

Council adopt the attached resolution authorizing Yuba County to contract for consulting services on behalf of the City of Wheatland for assistance with negotiating a new Recology Yuba Sutter Services Agreement.

Background/Discussion

On February 14th of this year, the City Council reviewed a report prepared by Sloan Vasquez McAfee (SVM) that provided an analysis of the current Collection Services Agreement 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 six-jurisdiction Regional Waste Management Authority (RWMA) area. Recommendations were also included. The outcome of the discussion was direction from the City Council 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 jurisdictions - Live Oak, Marysville, Wheatland, Sutter County, and Yuba County - have been meeting together to move forward with renegotiations.

As Yuba City has a long-standing relationship with SVM and initially introduced them to the RWMA, SVM will be providing bid proposal and process services to Yuba City. Therefore, it has become prudent for the remaining five agencies to utilize the services of a different consultant firm for negotiations with Recology.

Yuba County has agreed to take the lead in securing consulting expertise for the effort and has entered into an agreement with HF&H Consultants, LLC for this purpose. HF&H have provided consulting services to the RWMA in the past and is familiar with our agreements.

The attached Resolution authorizes Yuba County to contract for the service on behalf of the City of Wheatland and further authorizes 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 Collection Service Agreements, to represent the jurisdictions during the contract negotiations.

Attachments:

1. Resolution No. ____ authorizing Yuba County to contract for consulting services on behalf of the City of Wheatland for assistance with negotiating a new Recology Yuba Sutter Services Agreement

RESOLUTION NO. ____-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHEATLAND
AUTHORIZING YUBA COUNTY TO CONTRACT FOR CONSULTING SERVICES
ON BEHALF OF THE CITY OF WHEATLAND FOR ASSISTANCE WITH
NEGOTIATING 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 with Recology Yuba Sutter that terminates in September 2019; and

WHEREAS, the Yuba County and Sutter County CAOs, and the Live Oak, Marysville, and Wheatland City Managers are the Contract Administrators for those contracts; and

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

WHEREAS, the County and the Participating Agencies desires to have HF&H Consultants, LLC assist with the negotiations of a new Franchise Agreement; and

WHEREAS, Yuba County is willing to contract for services on behalf of all jurisdictions.

NOW, THEREFORE, BE IT RESOLVED, the Participating Agencies and the County mutually agree as follows:

1. DESIGNATED REPRESENTATIVES

The Contract Administrators are authorized to represent the respective jurisdictions in all discussion related to renegotiation of the agreements.

2. OBLIGATIONS

The County is hereby authorized to contract with HF&H Consultants, LLC (HF&H) on behalf of the jurisdictions so as to pay for and provide assistance with the negotiation of a new Franchise Agreement with Recology.

3. GENERAL PROVISIONS

A. HF&H is acting as an independent contractor in performing the work and is not an agent, servant or employee of the County.

B. The County shall generally cooperate with HF&H in the performance of its obligations.

C. The work papers and other documentation developed are instruments of service and, as such, are and remain the property of HF&H. All work products prepared

by HF&H shall become the property of the County; however, HF&H may retain, reproduce and distribute copies of all such work products.

D. The resolution does not supersede, modify or change any prior agreements, discussions, commitments, and representations, written, oral or otherwise between the parties hereto and is solely for the purpose of help with the negotiations of the new Franchise Agreement with Recology. The termination of this resolution shall have no effect whatsoever on prior agreements, discussions, commitments, representations or agreements whether oral, written or otherwise.

3. NOTICES

Any notice required or permitted to be given under this resolution shall be in writing and shall be served by certified mail, return receipt requested or personal service upon the other party. When service is by certified mail, service shall be conclusively deemed complete three (3) days after deposit in the United States mail, postage prepaid, addressed to the party to whom such notice is to be given as hereafter provided.

PASSED AND ADOPTED at a regular meeting thereof held on the 14th day of November, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rick West, Mayor

Attest:

Lisa J. Thomason, City Clerk