

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION: A) APPROVING THE AMENDED AND RESTATED FRANCHISE AGREEMENT BETWEEN THE COUNTY OF SAN MATEO AND RECOLOGY SAN MATEO COUNTY FOR RECYCLABLE MATERIALS, ORGANIC MATERIALS, AND SOLID WASTE COLLECTION SERVICES, FOR THE UNINCORPORATED FRANCHISED AREA AND COUNTY SERVICE AREA NO. 8 (NORTH FAIR OAKS) WITHIN THE SBWMA SERVICE AREA, EXCLUSIVE OF WEST BAY SANITARY DISTRICT FOR AN ADDITIONAL 15-YEAR TERM AND WILL EXPIRE ON DECEMBER 31, 2035; AND B) AUTHORIZING AND DIRECTING THE COUNTY MANAGER OR THE COUNTY MANAGER'S DESIGNEE TO EXECUTE THE AGREEMENT IN SUBSTANTIALLY THE FORM PRESENTED AT THIS MEETING WITH SUCH NON-SUBSTANTIVE ADDITIONS, CLARIFICATION AND OTHER CHANGES AS THE COUNTY MANAGER OR THE COUNTY MANAGER'S DESIGNEE DEEM NECESSARY OR ADVISABLE AFTER CONSULTATION WITH COUNTY COUNSEL

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, Article XI, § 7 of the California Constitution authorizes local entities to protect public health and safety by taking measures in furtherance of their authority over police and sanitary matters; and

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989 (Public Resources Code §§ 40000 et seq.) established a solid waste management process that requires jurisdictions to implement plans for source reduction, reuse, and recycling; and

WHEREAS, the Amended and Restated Franchise Agreement will be an effective means of complying with the mandate to promote recycling and to maximize the use of feasible source reduction, recycling, and composting options in order to reduce the amount of solid waste that must be disposed in landfills; and

WHEREAS, California Public Resources Code § 40059 provides that aspects of solid waste handling of local concern include but are not limited to: frequency of collection; means of collection and transportation; level of services; charges and fees; the nature, location, and extent of providing such services; and whether the services are to be provided by means of nonexclusive, partially exclusive, or wholly exclusive franchise, contract, license, or otherwise; and

WHEREAS, the County is a member of the South Bayside Waste Management Authority (SBWMA), established pursuant to the California Joint Exercise of Powers Act. In November 2007, the SBWMA, acting on behalf of the County and its other members, issued a Request for Proposals to provide collection of solid waste, recyclable materials, organic materials, and related services to its member agencies; and

WHEREAS, on March 11, 2008, Recology San Mateo County (Recology) submitted a proposal to provide these services, which was evaluated by the SBWMA, and on the basis of that evaluation, the SBWMA recommended that its member agencies to enter into an agreement with Recology; and

WHEREAS, the County independently evaluated Recology's proposal and the Board of Supervisors adopted Resolution No. 070423 on October 20, 2009, which approved a franchise agreement with Recology to provide services for the collection of recyclable materials, organic materials, and solid waste to County Service Area No. 8 (CSA-8), and the remainder of the unincorporated SBWMA Service Area (Burlingame to Menlo Park) for a term of January 1, 2011 through December 31, 2020; and

WHEREAS, on September 10, 2013, the Board adopted Resolution No. 072797, authorizing and directing the County Manager or the County Manager's designee to execute a First Amendment to the Franchise Agreement between the

County of San Mateo and Recology San Mateo County for Recyclable Materials, Organic Materials and Solid Waste Collection Services; and

WHEREAS, on January 28, 2016, SBWMA staff began negotiations with Recology regarding an extension of the 2009 Franchise Agreement without undergoing a competitive bidding process; and

WHEREAS, the SBWMA, Franchise Agreement Extension Committee, and Recology negotiated a Model Amended and Restated Franchise Agreement intended to serve as a model agreement for each member agency to use as a basis for its negotiations with Recology; and

WHEREAS, the SBWMA Board of Directors approved said Agreement on June 22, 2017, recommending that each member agency negotiate an Amended and Restated Franchise Agreement using said Agreement as the basis for such negotiations; and

WHEREAS, the County has reviewed the project's potential effects on the environment and has determined that this project is categorically exempt from the California Quality Act (CEQA) under Section 15061 (b) (3) (Common Sense Exemption).

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Board of Supervisors having considered and been fully advised in the matters adopts the foregoing recitals as true and correct, and the Board of Supervisors hereby:

1. Determines that this project is also exempt from CEQA under CEQA Guidelines Section 15061(b)(3). Section 15061(b)(3) exempts projects that fall within the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. "Where it can

be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” Here, the activity of extending the franchise agreement will not have a significant effect on the environment because there will be no change in the operation of solid waste collection services provided to the Member Agencies. Recology will use the same vehicles the SBWMA is currently using and will provide the same levels of service the SBWMA is currently providing. Therefore, there is no possibility that the award of this franchise will cause a significant effect on the environment; and,

2. Authorizes the President of the Board to approve the Amended and Restated Franchise Agreement between County of San Mateo and Recology San Mateo County for Recyclable Materials, Organic Materials and Solid Waste Collection Services, for the Unincorporated Franchised Area and County Service Area No. 8 (North Fair Oaks) within the SBWMA service area, exclusive of West Bay Sanitary District; and
3. Authorizes and directs the County Manager or the County Manager’s designee to execute the agreement in substantially the form presented at this meeting with such non-substantive additions, clarification, and other changes as the County Manager or the County Manager’s designee deem necessary or advisable after consultation with County Counsel.

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