

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

**A RESOLUTION OF THE SAN BENITO COUNTY
BOARD OF SUPERVISORS TO APPROVE A NEW
FRANCHISE AGREEMENT WITH RECOLOGY
SAN BENITO COUNTY FOR COLLECTION OF RECYCLABLES,
ORGANICS, AND SOLID WASTE AND APPROVE ISSUANCE
OF A PROPOSITION 218 NOTICE FOR PROPOSED MAXIMUM
ALLOWABLE RATES**

Resolution 2018 -

WHEREAS, the San Benito County Integrated Waste Management Regional Agency (“Regional Agency”) is comprised of the City of Hollister, City of San Juan Bautista and the County of San Benito and is a joint powers authority established in 1995 to cost effectively coordinate all integrated waste management programs within the guidelines imposed by the California Integrated Waste Management Board (CalRecycle); and

WHEREAS, the RA Members have a joint Franchise Agreement with Recology which resulted from an 18-month joint competitive procurement process conducted in 2006/2007 between the County, Hollister and San Juan Bautista which agreed to have one joint Franchise Agreement with a one contractor. and

WHEREAS, as noted in the recitals to the current Franchise Agreement, "the RA Members determined to offer proposers this exclusive agreement with respect to each of their jurisdictions to offer the Contractor economies of scale and increase contract administration efficiency and reduced contract administrative cost"; and

WHEREAS, in 2007, the Regional Agency Members approved the current joint Franchise Agreement with Recology for an eight-year term (November 20, 2007 to June 30, 2015); and

WHEREAS, the Franchise Agreement had an option for a three-year term extension (June 30, 2015 to June 30, 2018) and that extension was approved in September 2014; and

WHEREAS, the Regional Agency completed a review of the current joint Franchise Agreement between the City of San Juan Bautista, City of Hollister and San Benito County and Recology San Benito County through a Franchise Agreement Ad Hoc Committee with representation from all three RA Members at meetings held on March 9th, May 14th and June 28th; and

WHEREAS, each RA Member adopted a similar resolution in August 2017 approving the final RFP documents, including a new Franchise Agreement, and authorized RA staff to release such documents to initiate the contractor selection process for a new Franchise Agreement; and

WHEREAS, on August 29, 2017 the RA released the Collection Services RFP. By the November 14, 2017 deadline, the RA received three (3) responsive proposals from companies capable and qualified to provide the collection services described in the RFP. The proposers are GreenWaste Recovery, Recology San Benito County, and RJR Resource Recovery; and

WHEREAS, the approved RFP Evaluation Committee completed from mid-November 2017 to January 2018 a multi-step evaluation process to review the three proposals; and

WHEREAS, the RFP Evaluation Committee prepared a Report detailing its evaluation findings and proposal scoring and presented the Report to the Franchise Agreement Selection Committee on February 13, 2018; and

WHEREAS, the RFP Evaluation Committee prepared a Report detailing its evaluation findings and proposal scoring and presented the Report to the Franchise Agreement Selection Committee on February 13, 2018 and the Selection Committee recommended that the Report be presented to the Franchise Agreement Ad Hoc Committee; and

WHEREAS, the Franchise Agreement Ad Hoc Committee with elected officials from all three RA Members convened on March 8, 2018 to hear a presentation on the Evaluation Committee Report and receive public comment; and

WHEREAS, a joint meeting of the RA Members with elected officials from all three RA Members was held on March 22, 2018 to hear a presentation on the Evaluation Committee Report findings, receive public comment including brief presentations from the three proposers and discuss next steps in the Franchise Agreement contractor selection process; and

WHEREAS, on March 28, 2018 representatives from the RFP Evaluation Committee and Selection Committee met and the Selection Committee formulated its recommendation; and

WHEREAS, on April 17, 2018 the Board of Supervisors approved the Franchise Agreement Selection Committee recommendation to enter into exclusive negotiations with Recology San Benito County for a new Franchise Agreement for Collection of Recyclables, Organics, and Solid Waste subject to specified conditions.

WHEREAS, Regional Agency staff through negotiations with Recology have addressed all conditions of approval included in Board Resolution 2018-15; and

WHEREAS, the Board of Supervisors finds the selection of a contractor is categorical exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15061(b)(3), 15183, 15307, 15308, and 15273 (State CEQA Guidelines) in that the franchise activity can be seen with certainty to have no significant effect on the environment, as further described and explained in the

accompanying April 17, 2018 agenda item to this Resolution, incorporated herein by the reference as if fully set forth herein; and

WHEREAS, each of the foregoing provides a separate and independent basis for an exemption and when viewed collectively provides an overall basis for an exemption, as further described and explained in the accompanying April 17, 2018 agenda item to this Resolution, incorporated herein by the reference as if fully set forth herein; and

NOW, THEREFORE, BE IT RESOLVED, by the San Benito County Board of Supervisors:

- 1. That upon the approval by other RA members, San Benito County hereby approves the new Franchise Agreement with Recology San Benito County for collection of recyclables, organics, and solid waste commencing November 1, 2018.
- 2. That it approves the issuance of a notice of the proposed rate increases that will be effective November 1, 2018 and directs staff to hold a hearing for the proposed rate increase 45 days or more after this notice is received by the affected rate payers.

BE IT FURTHER RESOLVED that the Board of Supervisors has independently reviewed, considered, and confirmed the environmental determination and finds and determines that the action complies with CEQA and directs staff to file a Notice of Exemption.

PASSED AND ADOPTED, by the San Benito County Board of Supervisors at a regular meeting of said Board held on the 12th day of June 2018, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSTAIN: SUPERVISORS

Anthony Botelho,
Chair, San Benito County Board of Supervisors

ATTEST:

By: _____
Janet Slibsager
Clerk of the Board

Date: _____

APPROVED AS TO LEGAL FORM:

By: _____
Barbara Thompson
County Counsel

Date: _____