

**SANTA BARBARA COUNTY
BOARD AGENDA LETTER**



Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Agenda Number:
Prepared on: 5/19/03
Department Name: Public Works
Department No.: 054
Agenda Date: 6/3/03
Placement: Administrative
Estimate Time:
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Phillip M. Demery, Director
Public Works Department

STAFF CONTACT: Mark Schleich, Deputy Director, ext. 3603
Leslie Wells, Program Manager, ext. 3611

SUBJECT: Proposed Amendments to Exclusive Solid Waste Collection Franchise Agreements

Recommendation(s):

That the Board of Supervisors:

- 1) Approve the following:
 - a. The proposed amendments to the Amended and Restated Agreement Between the County of Santa Barbara and MarBorg Industries, Inc. for Exclusive Solid Waste, Recyclables and Organics Collection and Transportation to Disposal and Processing Facilities and Organics Sites for Zone One approved and executed on April 25, 2000, as such amendments are indicated in the attached Exhibit 1 and renaming the amended agreement to the "Second Amended and Restated Agreement Between the County of Santa Barbara and MarBorg Industries, Inc. for Exclusive Solid Waste, Recyclables and Organics Collection and Transportation to Disposal and Processing Facilities and Organics Sites for Zone One";
 - b. The proposed amendments to the Amended and Restated Agreement Between the County of Santa Barbara and BFI Waste Systems of North America, Inc. for Exclusive Solid Waste, Recyclables and Organics Collection and Transportation to Disposal and Processing Facilities and Organics Sites for Zone Two approved and executed on November 7, 2000 as such amendments are indicated in the attached Exhibit 2 and renaming the amended agreement to the "Second Amended and Restated Agreement Between the County of Santa Barbara and BFI Waste Systems of North America, Inc. for Exclusive Solid Waste, Recyclables and Organics Collection and Transportation to Disposal and Processing Facilities and Organics Sites for Zone Two";
 - c. The proposed amendments to the Amended and Restated Agreement Between the County of Santa Barbara and MarBorg Industries, Inc. for Exclusive Solid Waste, Recyclables and Organics Collection and Transportation to Disposal and Processing Facilities and Organics Sites for Zone Three approved and executed on April 25, 2000, as such amendments are

- indicated in the attached Exhibit 3 and renaming the amended agreement to the “Second Amended and Restated Agreement Between the County of Santa Barbara and MarBorg Industries, Inc. for Exclusive Solid Waste, Recyclables and Organics Collection and Transportation to Disposal and Processing Facilities and Organics Sites for Zone Three”;
- d. Proposed amendments to the Amended and Restated Agreement Between the County of Santa Barbara and Health Sanitation Services for Exclusive Solid Waste, Recyclables and Organics Collection and Transportation to Disposal and Processing Facilities and Organics Sites for Zone Four executed and approved on May 11, 1999, as such amendments are indicated in the attached Exhibit 4 and renaming the amended agreement to the “Second Amended and Restated Agreement Between the County of Santa Barbara and Health Sanitation Services for Exclusive Solid Waste, Recyclables and Organics Collection and Transportation to Disposal and Processing Facilities and Organics Sites for Zone Four”; and
 - e. Proposed amendments to the Amended and Restated Agreement Between the County of Santa Barbara and Health Sanitation Services for Exclusive Solid Waste, Recyclables and Organics Collection and Transportation to Disposal and Processing Facilities and Organics Sites for Zone Five, as such amendments are indicated in the attached Exhibit 5 and renaming the amended agreement to the “Second Amended and Restated Agreement Between the County of Santa Barbara and Health Sanitation Services for Exclusive Solid Waste, Recyclables and Organics Collection and Transportation to Disposal and Processing Facilities and Organics Sites for Zone Five.”

Alignment with Board Strategic Plan:

The recommendation is primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work and Visit.

Executive Summary and Discussion:

Background

In August 2002, your Board directed staff to return in 60 days to present a report stating recycling programs that could be implemented in the unincorporated area in order to divert additional waste from the Tajiguas Landfill. In October 2002, a list of short-term programs as well as two programs that could be implemented but would require further planning was presented and ultimately approved by your Board. Work on implementing the short-term programs began immediately after approval and, as a result, the majority of mobile home parks that currently receive trash service are also receiving recycling service. In addition, this summer, recycling containers will be located at 18 new sites in the recreation area off of Paradise Road and will be serviced under a partnership between the National Forest Service, and the Public Works and Probation Departments.

In December 2002, staff returned to your Board with a more specific plan for diverting additional waste from apartment and business customers. These customers were targeted because the percentage of waste diverted from these sectors is significantly less than the percentage diverted from single-family homes. At the December Board meeting, your Board approved the plan and directed staff to implement the program. There are three components that must be addressed in order to implement the program including 1) amending the franchise agreements, 2) developing rates for the new services being offered, and 3) amending Chapter 17 of the County Code to authorize staff to enforce the new program. This Board Letter addresses the

amendments to the franchise agreements, and the presentation of the rates and a proposed ordinance change will occur at a future date.

Franchise Amendments

Copies of the amended sections for each franchise agreement for Zones 1, 2, 3, 4, and 5 are attached as Exhibits 1, 2, 3, 4, and 5, respectively. Added sections to each agreement is shown as an underline and deleted sections are shown as a ~~strike-out~~. A complete copy of each amended franchise agreement is located at the County Clerk of the Board's offices in both Santa Barbara and Santa Maria. The following is a brief discussion of the amendments.

Each of the existing franchise agreements for solid waste, recyclables and organics collection were modified to include the following provisions related to the new recycling program:

- Specific service levels including types of containers to be offered and frequency of collection,
- Protocols for exemptions from the program, contamination of materials in the containers, and compliance with the program, and
- Financial incentive for better performance.

The bulk of the work associated with the successful implementation of this program lies with the service providers. In order to encourage their best performance, an incentive of \$10 for every new ton of material that is recycled will be offered to each provider over a three-year period of time. This incentive is to reimburse the service providers for any extra costs that will be incurred during the roll-out of the new program. A specific ceiling for the incentive has been set for each service provider based on their current customer base. The maximum overall annual cost to the County if each service provider reaches their incentive limit is \$75,000. The funds for this program will be paid from the County's Program Fee.

Other amendments have been made to clarify any outstanding issues or address changes that have occurred over the past several years and that needed to be formally incorporated into the franchise agreements.

Mandates and Service Levels:

These amendments will allow the County to implement a more aggressive multi-family and commercial recycling program. If an apartment or business chooses to actively participate in the program, their service rates will not increase and may decrease depending on their waste stream.

Fiscal and Facilities Impacts:

The County may incur an annual cost of \$75,000 for three years, depending on the performance of the service providers. This cost will be paid from the County's Program Fee.

Special Instructions:

Please send copies of the executed signature pages to Leslie Wells and Georgia Navarro at the Solid Waste & Utilities Division.

Concurrence:

County Counsel