



County of Santa Barbara

BOARD OF SUPERVISORS

Minute Order

November 28, 2023

Present: 5 - Supervisor Williams, Supervisor Capps, Supervisor Hartmann, Supervisor Nelson, and Supervisor Lavagnino

PUBLIC WORKS DEPARTMENT

File Reference No. 23-01124

- RE:** Set a Hearing to consider recommendations regarding the Termination of a Contract with MSB Investors, LLC for Development and Operation of the Tajiguas ReSource Recovery Project, Third District, as follows:
(Set a hearing for December 12, 2023. Time estimate: 1 hour)
- a) Conduct a hearing to consider terminating the Agreement for Development and Operation of the Tajiguas ReSource Recovery Project with MSB Investors, LLC executed by the County on December 13, 2016 (Agreement);
 - b) Upon conclusion of the hearing:
 - i) Direct the Public Works Director or designee to issue a letter terminating the Agreement;
 - ii) Delegate authority to the Public Works Director or designee to take actions necessary for the wind down of the Agreement and transition to new operator(s) of the ReSource Center, subject to the Board's ability to rescind this delegated authority at any time;
 - iii) Direct staff to work with MSB Investors, LLC to transition operation per the terms of the Agreement;
 - iv) Authorize the Public Works Director or designee to notify and exercise application of the direct agreements with MarBorg Recovery, LP, Diani Building Corporation, Van Dyk Baler Corporation, and Bekon Energy Technologies, Inc. approved by the Board on February 14, 2017 as needed for continuity of service at the ReSource Center; and
 - v) Authorize the Public Works Director or designee to enter into an agreement with Bekon Energy Technologies, Inc. for operation of the ADF and/or CMU for a period not to exceed 12 months and not to exceed \$6,318,880.00, subject to approval by Auditor Controller, Risk Management, and County Counsel;
 - c) Determine that the proposed actions are not a "project" under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15378(b)(2), as they involve administrative and other general policy and procedure making activities that will not result in direct or indirect physical changes to the environment; and
 - d) Provide other direction to staff.

A motion was made by Supervisor Nelson, seconded by Supervisor Hartmann, that this matter be set for a hearing, as follows: December 12, 2023 in Santa Barbara (EST. TIME 1 HR.). The motion carried by the following vote:



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Ayes: 5 - Supervisor Williams, Supervisor Capps, Supervisor Hartmann, Supervisor Nelson, and Supervisor Lavagnino