



Legislation Details (With Text)

File #:	23-01216	Version:	1
Type:	Departmental Agenda	Status:	Agenda Ready
File created:	12/4/2023	In control:	BOARD OF SUPERVISORS
On agenda:	12/12/2023	Final action:	
Title:	<p>HEARING - Consider recommendations regarding termination of the Contract with MSB Investors, LLC for Development and Operation of the Tajiguas ReSource Recovery Project, Third District, as follows: (EST. TIME: 1 HR.)</p> <p>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);</p> <p>b) Upon conclusion of the hearing:</p> <p>i) Direct the Public Works Director or designee to issue a letter terminating the Agreement;</p> <p>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;</p> <p>iii) Direct staff to work with MSB Investors, LLC to transition operation per the terms of the Agreement;</p> <p>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</p> <p>v) Authorize the Public Works Director or designee to enter into an agreement with Bekon Energy Technologies, Inc. for operation of the anaerobic digestion facility and/or compost management unit subject to approval by Auditor Controller, Risk Management, and County Counsel;</p> <p>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</p> <p>d) Provide other direction to staff.</p> <p>COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY</p>		
Sponsors:	PUBLIC WORKS DEPARTMENT		
Indexes:			
Code sections:			
Attachments:	1. Board Letter, 2. Attachment A - Termination Letter (DRAFT) v2, 3. Attachment B - MarBorg MRF Operations Direct Agreement, 4. Attachment C - Notice of Violation - CCRWQCB, 5. Attachment D - Notice of Violation - SBCEHS, 6. Attachment E - Notice of Violations - SBCAPCD, 7. Attachment F - Letter to MSB regarding failure to pay subcontractors, 8. Attachment G - Notice of Intent to Terminate Agrmt btw County and MSB, 9. Attachment H - Outstanding Invoices from APCD, 10. Attachment I - History of Payments from County to MSB, 11. Public Comment - Mustang Renewable Power Ventures, 12. Public Comment - Gaviota Coast Conservancy, 13. Public Comment - Brownstein Hyatt		

Farber Schreck, 14. Supervisor Williams Ex-Parte Disclosure, 15. Presentation - MSB Investors, 16. Presentation - Staff, 17. Additional Staff Slide - Financial Background, 18. Minute Order

Date	Ver.	Action By	Action	Result
12/12/2023	1	BOARD OF SUPERVISORS	Acted on as follows:	Pass

HEARING - Consider recommendations regarding termination of the Contract with MSB Investors, LLC for Development and Operation of the Tajiguas ReSource Recovery Project, Third District, as follows: (EST. TIME: 1 HR.)

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 anaerobic digestion facility and/or compost management unit 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.

COUNTY EXECUTIVE OFFICER'S RECOMMENDATION: POLICY