

**MEMORANDUM  
DEPARTMENT OF FACILITY SERVICES  
COUNTY OF PLACER**

To: Honorable Board of Supervisors

Date: September 9, 2014

From: <sup>MD</sup> Mary Dietrich, Facility Services Director

By: Kevin Bell, P.E., Environmental Engineering Program Manager *KBB*

Subject: Legal Services for Solid Waste Handling Services Agreement – Eastern Placer County

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**ACTION REQUESTED:**

1. Approve an Agreement with The Law Offices of Thomas M. Bruen for legal services associated with developing the Solid Waste Handling Services Agreement for the eastern portion of Placer County in an amount not-to-exceed \$60,000 funded by the Solid Waste Management and Eastern Regional Landfill Enterprise Funds, with no net County cost.

**BACKGROUND:** Since the 1970's Placer County Eastern Regional Sanitary Landfill, Inc. (ERL) and Tahoe Truckee Disposal Co., Inc. (TTD) have provided garbage collection and recycling services for unincorporated Placer County east of Colfax to the Nevada state line. Garbage collected by TTD is processed by ERL at the Eastern Regional Material Recovery Facility (ERMRF) where recyclable material is recovered. ERL/TTD has provided excellent, reliable service and has been a strong partner with the County. On July 22, 2014 your Board approved Deal Points (attached) for a new agreement with ERL/TTD that result in a reduced tipping fee at ERL and TTD foregoing COLAs every other year, and authorized staff to enter into negotiations for the agreement.

The Law Offices of Thomas M. Bruen (Bruen), previously Bruen and Burke, has been under contract with the County since 2003 to provide legal services related to solid waste handling services and assisted the County with the development of the previous Solid Waste Handling Services Agreement with ERL and TTD. Due to his knowledge of the County's facilities and existing agreements, Bruen is uniquely qualified to assist the County in developing the new Solid Waste Handling Services Agreement with ERL and TTD. Bruen will utilize the Deal Points approved by your Board to develop the new draft Agreement and meet with ERL, TTD and County staff as necessary to finalize the details of the Agreement. County Counsel has reviewed and supports using outside Counsel to provide these services. We anticipate returning to your Board with the final Agreement with ERL/TTD in April of 2015.

**ENVIRONMENTAL CLEARANCE:** Approving an agreement for legal services and negotiating an extension to the existing Solid Waste Handling Services Agreement is not a "project" as defined under CEQA.

**FISCAL IMPACT:** Adequate funding was included in both the FY 2014-15 Eastern Regional Landfill (\$45,000) and Solid Waste Management (\$15,000) Enterprise Fund Budgets for this Agreement. Funding is provided through a portion of the tipping fees collected at the Eastern Regional Material Recovery Facility and through Special Fees included in the garbage collection fees charged customers, with no net County cost.

LEGAL SERVICES CONTRACT IS AVAILABLE FOR REVIEW AT THE CLERK OF THE BOARDS OFFICE  
ATTACHMENT: ERL/TTD DEAL POINTS

CC: COUNTY EXECUTIVE OFFICE  
COUNTY COUNSEL

MD/BZ/WS/LM

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363

## **Franchise Areas 2 and 3 Solid Waste Handling Services Proposed Deal Points for Extension with ERL/TTD**

Placer County Eastern Regional Landfill, Inc. (ERL) and Tahoe Truckee Disposal, Inc. (TTD) provide solid waste handling services in Franchise Areas 2 and 3, which includes unincorporated Placer County east of Colfax to the Nevada state line. The proposed Deal Points could provide the framework for an extension of the Agreement between Placer County and ERL/TTD.

### **1. General**

- 1.1 7 year extension
- 1.2 Effective date July 1, 2015

### **2. ERMRF Operation**

- 2.1 ERL to invest \$1.2M in improvements to the processing equipment to increase recovery of recyclables
- 2.2 Increase the guaranteed minimum recovery level (GMRL) of the ERMRF from 18% to 30%
- 2.3 Increase the incentive payment for recycling above the GMRL from \$18.76 to \$26.00 per ton
- 2.4 Decrease the MSW tipping fee from \$77.50 to \$76.00 per ton
- 2.5 Decrease the processing fee paid to ERL for mixed solid waste (MSW), which includes the disposal fee at Lockwood, from \$58.38 to \$52.00 per ton
- 2.6 Increase the inert processing fee from \$5.26 to \$6.10 per cubic yard
- 2.7 Revise the cost of living adjustment (COLA) calculated based on annual average of monthly indices with a floor of 0% (no negative COLAs) and a cap of 4%
- 2.8 Expand HHW collection at ERMRF from 10 events per year to weekly events from May through September and monthly events October through April
- 2.9 TTD to convert residue truck fleet to compressed natural gas (CNG) by the end of the term

### **3. Garbage Collection**

- 3.1 Continue existing garbage collection fee structure with reduced MSW tipping fee
- 3.2 Continue no cost commercial glass, paper, and cardboard programs
- 3.3 Locate an additional community recycling bin in the Tahoe Basin
- 3.4 Revise the COLA to a bi-annual COLA on even calendar years, calculated based on annual average of monthly indices with a floor of 0% (no negative COLAs) and a cap of 4% (TTD will forgo COLA in odd calendar years)
- 3.5 TTD to evaluate and provide for expanded use of bear-proof bins
- 3.6 TTD to work with County staff to develop a CNG infrastructure plan and a schedule to convert the garbage collection fleet to CNG