

BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA

IN RE:

RESOLUTION ADOPTING AMENDMENT ) TO THE RECOLOGY YUBA-SUTTER COLLECTION ) SERVICE AGREEMENT APPROVING RATES ) PERTAINING ONLY TO THE MAXIMUM SERVICE ) RATES, PONDERSOA LANDFILL CLOSURE USER ) FEES )	Resolution No. <u>2021-171</u>
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WHEREAS, Yuba County is part of a six member Joint Powers Authority agency formed in 1990 and is now known as the Regional Waste Management Authority (RWMA). The RWMA members are Yuba County, Sutter County and the cities of Live Oak, Marysville, Wheatland and Yuba City; and

WHEREAS, since 1990, Yuba County has had an agreement with a private entity, Recology Yuba-Sutter (“Recology”), to provide waste collection and disposal to its residents and businesses. Recology currently provides exclusive refuse collection, recycling, and transfer station operations to the RWMA members per separate Collection Service Agreements; and

WHEREAS, five participating member agencies (PMAs), the cities of Live Oak, Marysville and Wheatland and Sutter and Yuba counties began new Collection Service Agreements on October 1, 2018. A new Collection Service Agreement between Recology and Yuba County was approved on September 11, 2018 with an effective date of October 1, 2018; and

WHEREAS, the Ponderosa Transfer Station operations of post closure landfill maintenance is unique to Yuba County and a distinct operation and site from the other participating member agencies; and

WHEREAS, Recology Yuba-Sutter has engaged with the County’s consultant, Aurora Environmental, Inc. to review all revenue and expenses associated with operating the Ponderosa Transfer Station and post closure activity; and

WHEREAS, the County, working with our consultant, Aurora Environmental, Inc, who has concurred with the collection service agreement amendments and rates and deem them necessary to cover the current and projected operating expenses; and

WHEREAS, the County in the current fiscal year budget committed funds to cover the projected shortfall of revenue for Ponderosa Transfer Station and is proposing a rate increase to avoid this necessary allocation annually and the goal of the contract and fees is to generate sufficient revenue cover operations and landfill maintenance expenses.; and

WHEREAS, On September 28, 2021, at the properly noticed public hearing, the Board of Supervisors received comments from the public and any other interested parties regarding the proposed rates pertaining only to Ponderosa Landfill Closure and Transfer Station Services and Ponderosa Transfer Station User Fees of the Collection Service Agreement; and

WHEREAS, On September 28, 2021, the Board of Supervisors continued this item to allow the addition of Exhibit A, Maximum Service Rates revisions for consideration; and

WHEREAS, On October 12, 2021, at a properly noticed public hearing, the Board of Supervisors received comments and adopted a revised Exhibit G of the Collection Service Agreement changing the Ponderosa Transfer Station Element of Maximum Service Rate to 1.8208%, Exhibit H: Amended Ponderosa Transfer Station User Fees; and Exhibit A: Amended Maximum Service Rates effective 10/1/21; and

WHEREAS, Exhibit A of the Collection Service Agreement, Maximum Service Rates applies the Ponderosa Transfer Station Element of Maximum Service Rate to each service rate; and

WHEREAS, after the October 12, 2021 Board meeting, a clerical error was noted on the Ponderosa Transfer Station Element calculation in Exhibit A: Amended Maximum Service Rates effective 10/1/21; and

WHEREAS, it is in Recology's and the County's interest to have an accurate fee schedule that has been properly noticed, considered, and adopted by the Board of Supervisors; and

WHEREAS, at a properly noticed public hearing on November 9, 2021, the Board of Supervisors received comments from the public and any other interested parties regarding the proposed rates pertaining only to the Maximum Service Rates, Ponderosa Landfill Closure User Fees of the Collection Service Agreement to correct the schedule adopted on October 12, 2021; and

WHEREAS, Exhibit A: Amended Maximum Service Rates effective 10/1/21 is revised and adopted as Exhibit A: Amended Maximum Service Rates effective 10/1/21 (November 9, 2021 adopted); and

WHEREAS, the Yuba County Board of Supervisors may amend the Collection Service Agreements with Recology Yuba-Sutter and adjust rates accordingly; and

WHEREAS, the County desires to adopt the amendments and established rates; and

WHEREAS, based on the foregoing, good cause has been shown to justify the amendments and rate structure.

NOW, THEREFORE, BE IT RESOLVED that the Amendment to the Collection Service Agreement between the County of Yuba and Recology Yuba-Sutter, which is attached hereto marked as Exhibit A: Amended Maximum Service Rates effective 10/1/21 (November 9, 2021 adopted) and by this reference is incorporated herein as though set forth in full, is adopted and the Chairman is authorized to execute same.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the specific rate set forth in this amendment and the stated amendments to the Collection Service Agreement is to be effective October 1, 2021.

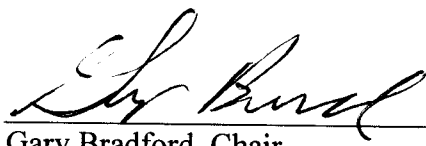
PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California, on the 9<sup>th</sup> day of November, 2021, by the following vote:

AYES: Suoerisors Vasquez, Blaser, Fuhrer, Bradford, Fletcher

NOES: None


ABSENT: None

ABSTAIN: None

By:   
Gary Bradford, Chair

ATTEST: Rachel Ferris  
Clerk of the Board of Supervisors

APPROVED AS TO FORM:  
Michael J. Ciccozzi, County Counsel

By:   
Mary Pasillas, Board Clerk

By: 