



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 12/18/2018

Agenda Placement: 6H

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

---

**TO:** Board of Supervisors

**FROM:** Christine M. Secheli for David Morrison - Director  
Planning, Building and Environmental Services

**REPORT BY:** Greg Pirie, Solid Waste Program Manager - 253-4144

**SUBJECT:** Public Hearing to Consider Awarding of Garbage Zone Two Franchise for Solid Waste Collection and Disposal

---

### **RECOMMENDATION**

Director of Planning, Building and Environmental Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 7996 with Berryessa Garbage Service extending the expiration date of the franchise agreement from December 31, 2028 to December 31, 2036 for the collection and disposal of solid waste specific to Garbage Zone Two, located generally in the unincorporated area of Lake Berryessa.

### **EXECUTIVE SUMMARY**

Berryessa Garbage Service (BGS) is currently providing solid waste and recycling collection service in Garbage Zone Two under a 15 year Franchise Agreement which expires December 31, 2028. Historically, the contractor has provided satisfactory collection service. Staff recommends that the franchise agreement be amended to add 8 years to the current term for a new base term date terminating on December 31, 2036 in order to provide future financial stability and meet State regulatory requirements.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

The franchise activity is exempt from CEQA pursuant to 14 California Code of Regulations 15061(b)(3) (State

CEQA Guidelines) in that the activity can be seen with certainty to have no significant effect on the environment.

### **BACKGROUND AND DISCUSSION**

This item is not subject to the voting requirements of Article XIIC, Voter Approval for Local Taxes, of the California Constitution, as amended by Proposition 26, because the fees are not being adjusted under the franchise agreement as granted by the County to Berryessa Garbage Services. Article XIIC applies only to new fees imposed by a local governmental entity.

Berryessa Garbage Service (BGS) is currently providing solid waste and recycling collection service in Garbage Zone Two. On November 26, 2018, the County received a request an 8 year franchise agreement extension to allow ongoing financial stability and to meet regulatory requirements with their businesses. BGS entered into Agreement No. 7996, a 15 year Franchise Agreement, with a current term that commenced July 18, 2013 and which terminates December 31, 2028. Historically, the contractor has provided satisfactory collection service. Staff recommends that the franchise agreement be amended to add 8 years to the current term for a new termination date of December 31, 2036 in order to evidence future financial stability which meets State regulatory requirements imposed by the Regional Water Quality Control Board and the Department of Resources, Recycling and Recovery (CalRecycle). The franchise agreement supports financial stability by providing the operator with funding for collection and disposal services.

Entering into an extended base term of the Agreement will be beneficial to the public health, safety and the environment and give BGS the ability to meet regulatory requirements in that:

- | Agreement extension enables future financial stability and coordinated timeframes (commencing 2036) to meet State regulatory compliance requirements for future post closure action planning for the Steele Canyon Landfill that also enables operations of receiving recyclables;
- | BGS has been satisfactorily providing collection and disposal service in Zone 2;
- | Zone 2 is a rural area with relatively few customers and relatively lower opportunity for profit;
- | The Zone 2 area has ongoing economic uncertainty due to the Bureau of Reclamation's delay in developing concessionaire enterprise in the area and it is anticipated this uncertainty will continue for a considerable time.
- | It is a community benefit to maintain customer service for the residents and commercial businesses and to limit the need to self-haul garbage due to the length of drive to the nearest landfill; and
- | Long term service benefit results in consistent pickup of garbage and rubbish being properly disposed of; avoiding the deposit on private property, the sides of roadways, canyons, in creeks, streams, and other waterways risking increased propagation of vectors and environmental, health and safety concerns.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi