



Agenda Date: 5/21/2018

Agenda Placement: 6B

Upper Valley Waste Management Agency Board Agenda Letter

TO: Board of Directors
FROM: Steven Lederer - Manager
Upper Valley Waste Management Agency
REPORT BY: Alice Ramirez, Senior Office Assistant - 259-6716
SUBJECT: Public Hearing: Restatement and Amendment to UVDS Franchise Agreement

RECOMMENDATION

PUBLIC HEARING: RESTATEMENT AND AMENDMENT TO UVDS FRANCHISE AGREEMENT

DISCUSSION AND POSSIBLE ACTION: Staff recommends Board approval and authorization for the Chair to sign the Restatement and Amendment to former Agency Agreement #95-09 (Upper Valley Disposal Service).

EXECUTIVE SUMMARY

In 2017 the Board directed staff to undertake a review and update of both the UVDS and CFL Franchise agreements. While operationally adequate, the agreements date back to the mid 1990's and much of the administrative language and process had become dated. Staff engaged in this effort (interrupted for several months by the October fires), and has now completed a revised document. The agreement incorporates all 9 previous changes. This is considered a "Restated and Amended" agreement, meaning that it will become a new agreement with a 2018 contract number.

The proposed changes are described in more detail in the background section of this report and are shown in the "tracked changes" and clean versions of the contracts, which are attached to this item.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable. While this agreement adjusts

financial arrangements, no physical changes to facilities are proposed.

BACKGROUND AND DISCUSSION

In 2017 the Board directed staff to undertake a review and update of both the UVDS and CFL Franchise agreements. While operationally adequate, the agreements date back to the mid 1990's and much of the administrative language and process had become dated. Staff engaged in this effort (interrupted for several months by the October fires), and has now completed a revised document. The agreement incorporates all 9 previous changes. This is considered a "Restated and Amended" agreement, meaning that it will become a new agreement with a 2018 contract number.

While there were hundreds of small changes made, the major areas of update are as follows:

1. Various DEFINITIONS have been updated and added.
2. Section 2.1, Scope of the agreement updated and clarified.
3. Section 2.2, Responsibilities for enforcement against out of area haulers clarified.
4. Section 5.15, Nondiscrimination language updated.
5. Section 6 and Exhibit D, Breaches and Defaults, section revised in its entirety to clarify what constitutes a violation, the process for identifying and appealing alleged violations, and penalties (liquidated damages) and recourse in the event of a breach.
6. Section 17.8, Includes provision for collection of residential food waste, once proper permits are approved.
7. Exhibit B, Section II, Clarified language in case a member chooses to implement a Franchise Fee (as Calistoga has now)
8. Exhibit B, Section VI, Describes process for conduction special rate reviews.

Staff recommends approval of this UVDS contract agreement.

SUPPORTING DOCUMENTS

- A . Agreement-Clean
- B . Agreement-Tracked

Recommendation: Approve
Reviewed By: Steven Lederer