

RESOLUTION NO. 3677-21

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
APPROVING AMENDMENT NO. 5 TO THE COLLECTION SERVICE AGREEMENT
WITH SONOMA COUNTY RESOURCE RECOVERY, LLC, FOR THE ANNUAL
ADJUSTMENT TO MAXIMUM COMPENSATION AND RATES AND AMENDED
AGREEMENT LANGUAGE AND AUTHORIZING THE TOWN MANAGER TO
EXECUTE THE AMENDMENT ON BEHALF OF THE TOWN**

WHEREAS, on August 6, 2017, Town Council approved a 10-year franchise and Collection Service Agreement (“Agreement”) with Sonoma County Resource Recover, LLC (“SCRR”) for Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services for the period of October 1, 2017 through September 30, 2027; and

WHEREAS, on March 21, 2018 the Town Council approved Amendment No. 1 to include additional services, rates, and approved subcontractor within Exhibit 1 and Exhibit 6 as part of the Agreement; and

WHEREAS, on August 1, 2018, the Town Council approved Amendment No. 2 to amend the Agreement to correct specific references and include an increase to the maximum compensation and rates for the collection of solid waste, green waste, and recyclables for the period October 1, 2018 – September 30, 2019; and

WHEREAS, on November 6, 2018, SCRR requested for financial assistance due to increased costs to labor and labor benefits, increased disposal tonnage, and increased costs to process recyclable materials; and

WHEREAS, on May 6, 2019, Council formed an Ad Hoc Committee and appointed Mayor Foppoli and Councilmember Okrepkie to guide staff during discussions with SCRR with Council’s direction to gather information and return with the findings and potential options for consideration; and

WHEREAS, on August 21, 2019, the Town Council approved Amendment No. 3 to amend the Agreement to correct specific references and include an annual increase to the maximum compensation and rates for the collection of solid waste, green waste, and recyclables for the period October 1, 2019 – September 30, 2020; and

WHEREAS, the Town completed a Performance Review in accordance with the Agreement and a financial review of the increased costs to validate SCRR financial request; and

WHEREAS, on May 6, 2020, the Town Council, by a majority vote, directed staff to prepare an amendment to the Agreement approving a rate increase to provide one-time cost recovery adjustment to SCRR related to costs of increased labor and labor benefits, increased disposal tonnages, and increased cost to process recyclable materials to be applied to executed rates approved by Resolution on August 21, 2019; and

WHEREAS, on May 6, 2020, the Town Council approved to modify the annual rate increase effective date from October to April; and

WHEREAS, on June 17, 2020, the Town Council approved Amendment No. 4 to amend the Agreement to correct specific references and include an annual increase to the maximum compensation and rates for the collection of solid waste, green waste, and recyclables for the period April 1, 2020 – March 31, 2021; and

WHEREAS, the Town of Windsor and Sonoma County Resource Recovery, LLC desire to amend the Agreement to correct specific references, as more particularly described in the accompanying agenda report and the attached Amendment No. 4, throughout the Agreement; and

WHEREAS, on March 31, 2021, the Town received correspondence from Sonoma County Resource Recovery, LLC. requesting an increase to the maximum compensation and rates for the collection of solid waste, green waste, and recyclables for the period April 1, 2021 – March 31, 2022, as allowed for under the Agreement.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Windsor as follows:

1. The Recitals above are true and correct and are incorporated herein by reference.
2. There is no possibility that Amendment No. 5 will have a new significant effect on the environment, under California Environmental Quality Act (CEQA), CEQA Guidelines Section 15061(b)(3). Approval of the Amendment does not change the level or area of service. The amended Designated Facilities will not require any expansion of existing facilities and no new or modified permits will be required as the planned operations would be covered by the existing permits for the facilities. The number of truck trips will remain the same and the difference in mileage traveled by the trucks is negligible. In fact, the Upper Valley Disposal Facility is slightly closer to Windsor than the NMDF, which could result in a slight reduction in total vehicle miles traveled. The proposed change may result in environmentally beneficial impacts by diverting waste that would have been landfilled to a recycling facility. Staff is directed to file a Notice of Exemption with the County of Sonoma.
3. The aforesaid requests of SCRR are ratified, and the Amendment No. 5 to the Collection Service Agreement with Sonoma County Resource Recovery, LLC for Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services effective October 1, 2017, attached here as Exhibit A – Amendment No. 5, is hereby approved, and the Town Manager is authorized to execute said Amendment No. 5.
4. Each section, subsection, clause, sentence, phrase, and other portion of this Resolution is severable, and the Town Council declares that it would have adopted this Resolution and each section, subsection, clause, sentence, phrase or other portion hereof, irrespective of the fact that one or more sections, subsections, clauses, sentences, phrases, or other portions hereof may be held invalid or unconstitutional.

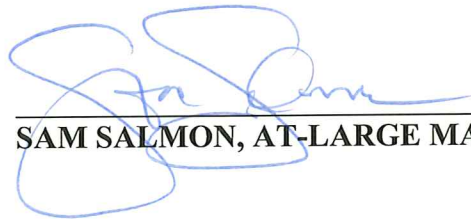
5. This Resolution shall take effect immediately upon its adoption.

; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Windsor approves the maximum compensation and rates to be imposed by Sonoma County Resource Recovery, LLC., as established in Exhibits 1a-1j to Amendment No. 5 to the Collection Service Agreement between the Town of Windsor and Sonoma County Resource Recovery, LLC retroactive to April 1, 2021.

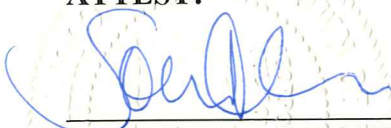
PASSED, APPROVED AND ADOPTED this 2nd day of June 2021, by the following vote:

AYES:	COUNCILMEMBERS FUDGE, LEMUS, REYNOZA AND MAYOR SALMON
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	NONE



SAM SALMON, AT-LARGE MAYOR

ATTEST:



**SOMMER HAGEMAN,
DEPUTY TOWN CLERK**

Attachment:

- **Exhibit A** - Amendment No. 5 to the Collection Service Agreement between the Town of Windsor and Sonoma County Resource Recovery, LLC.