

RESOLUTION NO. RES-2022-102

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE OMNIBUS AMENDMENT TO WASTE DELIVERY AGREEMENT WITH REPUBLIC SERVICES OF SONOMA COUNTY AND FRANCHISED HAULER AGREEMENT BETWEEN RECOLOGY SONOMA MARIN AND REPUBLIC SERVICES OF SONOMA COUNTY

WHEREAS, on July 29th, 2014, the Council approved the Waste Delivery Agreement with Republic Services of Sonoma County (“Republic”), directing Santa Rosa to dispose of its waste at the Central Landfill Disposal Site for 25 years with the option for six (6) one (1) year extensions through Council Resolution No. 28525; and

WHEREAS, on December 5th, 2017, the Council approved the Franchised Hauler’s Agreement To Be Bound By City’s Waste Delivery Commitment with Republic and Recology Sonoma Marin (“Recology”), directing Recology to deliver all of Santa Rosa’s franchised waste to Republic facilities as required by and in accordance with the Waste Delivery Agreement; and

WHEREAS, each of the committed cities of Cloverdale, Cotati, Healdsburg, Rohnert Park, Santa Rosa and Sebastopol (the “Committed Cities” or “Cities”) is a party to a Waste Delivery Agreement (each, a “WDA”), and a Franchised Hauler’s Agreement To Be Bound By City’s Waste Delivery Commitment, with Republic and Recology (each, an “FHA”); and

WHEREAS, Republic and Recology are parties to an Agreement for Operations of Sonoma County Transfer Stations and Materials Recovery Facility (the “Prime Subcontract”), pursuant to which Republic subcontracted to Recology certain of Republic’s obligations under the Amended and Restated Agreement for Operation of the Central Landfill and County Transfer Stations (the “MOA”) between the County of Sonoma and Republic; and

WHEREAS, the MOA, Prime Subcontract, WDAs and FHAs (collectively, the “County Agreements”) contemplate that Recology will provide a limited program for collection of Commercial Food Waste and Dry Commercial Mixed Waste within urban areas of City (the “Programs”), to be compensated solely through a portion of the Facility Operations Service Fee that Recology receives under the Prime Subcontract; and

WHEREAS, SB 1383 became effective on January 1, 2022, and is a statewide effort to reduce organic waste recycling and recover edible food to be donated to provide food for people in need; and

WHEREAS, the Programs and related compensation contemplated by the County Agreements do not meet the requirements of SB 1383, including provision of organics service to all residential and commercial generators (not just urban customers), periodic route reviews to monitor contamination, periodic compliance reviews to monitor participation, and detailed reporting related to the foregoing; and

WHEREAS, the parties believe that the needs of City to comply with SB 1383 can be best served by having City’s organic waste and dry commercial mixed waste programs fully funded under its franchise agreement with Recology, rather than attempting to implement an SB-1383 compliant program by supplementing the existing (noncompliant with SB1383) Programs with additional services under City’s franchise agreement; and

WHEREAS, eliminating the funding for the Programs under the Prime Subcontract will allow the Gate Rates charged to Recology (as City’s franchised hauler) on Committed City Waste delivered to the County facilities to be reduced (compared to what the Gate Rates would otherwise be) by the portion that previously funded the Programs.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa approves the Omnibus Amendment to Waste Delivery Agreement with Republic and Franchised Hauler Agreement with Republic and Recology, in substantially the same form as Exhibit A to the Resolution, subject to approval as to form by the City Attorney.

IN COUNCIL DULY PASSED this 24th day of May, 2022.

AYES: (5) Mayor C. Rogers, Vice Mayor Alvarez, Council Members MacDonald, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (2) Council Members Fleming, N. Rogers

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A – Omnibus Amendment to Waste Delivery Agreement with Republic and Franchised Hauler Agreement with Republic and Recology