

RESOLUTION NO. 070423

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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**RESOLUTION**

- (1) APPROVING THE FRANCHISE AGREEMENT WITH RECOLOGY SAN MATEO COUNTY (FORMERLY NORCAL WASTE SYSTEMS) TO PROVIDE SERVICES FOR THE COLLECTION OF RECYCLABLE MATERIALS, ORGANIC MATERIALS, AND SOLID WASTE IN COUNTY SERVICE AREA 8 (NORTH FAIR OAKS), AND IN THE REMAINDER OF THE UNINCORPORATED SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY SERVICE AREA (BURLINGAME TO MENLO PARK) FROM JANUARY 1, 2011 THROUGH DECEMBER 31, 2020, AND**
- (2) AUTHORIZING AND DIRECTING THE COUNTY MANAGER OR THE COUNTY MANAGER'S DESIGNEE TO EXECUTE THE AGREEMENT IN SUBSTANTIALLY THE FORM PRESENTED TO THIS MEETING WITH SUCH NON-SUBSTANTIVE ADDITIONS, CLARIFICATIONS AND OTHER CHANGES AS THE COUNTY MANAGER OR THE COUNTY MANAGER'S DESIGNEE DEEMS NECESSARY OR ADVISABLE AFTER CONSULTATION WITH COUNTY COUNSEL**

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**RESOLVED**, the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, the State of California, through the California Integrated Waste Management Act of 1989, codified at Public Resources Code Section 40000, et seq. (the "Act") found the amount of solid waste generated in the State coupled with diminishing landfill space and potential adverse environmental impacts from landfilling constituted an urgent need for state and local agencies to enact and implement an aggressive new integrated waste management program; and

**WHEREAS**, the Act directs the California Integrated Waste Management Board and local agencies to divert the amount of solid waste that is being disposed of into landfills, which can be supported by maximizing the use of feasible source reduction,

recycling, and composting; and

**WHEREAS**, the County of San Mateo is a member agency of the South Bayside Waste Management Authority (SBWMA), a joint powers authority, and therefore agrees to the Joint Exercise of Powers Agreement (JPA); and

**WHEREAS**, the SBWMA initiated a contractor selection process in 2006 through a Request for Proposal process on behalf of its member agencies for a new uniform franchise for solid waste, recyclables, and organic materials collection services in each member agency's area.

**WHEREAS**, on March 11, 2008, the SBWMA received and reviewed four proposals from four companies to provide collection services described in the Request for Proposals for the SBWMA; and

**WHEREAS**, on August 28, 2008 the SBWMA approved the selection of Recology of San Mateo County (formerly Norcal Waste Systems San Mateo County) as the new service provider for solid waste, organics and recycling collection services; and

**WHEREAS**, on March 3, 2009, your Board adopted Resolution No. 069934, which approved the selection of Recology of San Mateo County (formerly Norcal Waste Systems San Mateo County) as the new service provider for the SBWMA; and

**WHEREAS**, selection of the Recology San Mateo County (formerly Norcal Waste Systems San Mateo County) and inclusion of unincorporated areas within the SBWMA's

service area that receive collection services from non-franchised service collection providers and CSA-8 under one Franchise Agreement appears to be the most cost-effective way of providing collection services to these areas, while simultaneously providing new diversion opportunities for residents and businesses in the unincorporated areas of the County; and

**WHEREAS**, the agreement will be an effective means of complying with the mandate to promote recycling and to maximize the use of feasible source reduction, recycling and composting options in order to reduce the amount of solid waste that must be disposed in landfills; and

**WHEREAS**, the City of San Carlos (the "City") is the lead agency for the purposes of environmental review of this proposed Franchise Agreement under the California Environmental Quality Act ("CEQA") and the Guidelines for Implementation of the California Environmental Quality Act ("Guidelines"); and

**WHEREAS**, under CEQA and the Guidelines, the County is a Responsible Agency with respect to the environmental review of the proposed Franchise Agreement; and

**WHEREAS**, the City has analyzed the potential environmental impacts of the proposed Franchise Agreement and various actions to be taken by SBWMA in connection therewith (including expansion of and improvements to the Shoreway Recycling and Disposal Center), in a Mitigated Negative Declaration (MND) prepared for and approved by the City's Planning Commission in July 2008; and

WHEREAS, the County has received, reviewed, and considered the MND prepared and approved by the City and has considered the environmental effects of the proposed Franchise Agreement as shown in the MND and has independently considered these matters; and

WHEREAS, the Board of Supervisors finds that the MND is and remains an adequate environmental document pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines for the purposes of analysis and consideration of the Franchise Agreement.

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:**

1. The Board of Supervisors of the County of San Mateo adopts the foregoing recitals as true and correct, and
2. The Board of Supervisors hereby finds that:
  - a. It has independently reviewed and considered the MND and the administrative record related thereto, and that it reflects the Board's independent judgment, acting on behalf of the County as a Responsible Agency for the proposed Franchise Agreement; and
  - b. On the basis of its review of the MND and the administrative record related thereto, the Board of Supervisors finds that there is no substantial evidence that execution of the Franchise Agreement and the

implementation of the various actions to be taken by SBWMA in connection therewith, will have a significant effect on the environment; and

c. There is no substantial evidence that would support requiring any subsequent environmental review of the proposed Franchise Agreement.

3. The Board of Supervisors hereby approves the franchise agreement with Recology San Mateo County (formerly Norcal Waste Systems) to provide services for the collection of recyclable materials, organic materials, and solid waste in CSA-8 (North Fair Oaks), and in the remainder of the unincorporated South Bayside Waste Management Authority Service Area (Burlingame to Menlo Park) from January 1, 2011 through December 31, 2020, and

4. The Board of Supervisors of the County of San Mateo hereby authorizes and directs the County Manager or the County Manager's designee to execute the Agreement in substantially the form presented to this meeting with such non-substantive additions, clarifications and other changes as the County Manager or the County Manager's designee deems necessary or advisable after consultation with County Counsel.

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Regularly passed and adopted this 20<sup>th</sup> day of October, 2009.

*AYES and in favor of said resolution:*

Supervisors: MARK CHURCH  
CAROLE GROOM  
RICHARD S. GORDON  
ROSE JACOBS GIBSON  
ADRIENNE J. TISSIER

*NOES and against said resolution:*

Supervisors: NONE

Absent Supervisors: NONE

Mark Church  
President, Board of Supervisors  
County of San Mateo  
State of California

Certificate of Delivery

*I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.*

Marie L. Peterson  
Marie L. Peterson, Deputy  
Clerk of the Board of Supervisors