RESOLUTION NO. 4013-25

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING AMENDMENT NO. 9 TO THE COLLECTION SERVICE AGREEMENT BETWEEN THE TOWN OF WINDSOR AND SONOMA COUNTY RESOURCE RECOVERY, LLC 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 subcontractors 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 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 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's request for financial assistance; 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 of each corresponding year; 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, on June 2, 2021, the Town Council approved Amendment No. 5 to amend the Agreement to correct specific references and include an annual increase to the maximum compensation and rates retroactive to April 1, 2021, for the period of April 1, 2021 – March 31, 2022; and

WHEREAS, on May 18, 2022, the Town Council approved Amendment No. 6 to amend the Agreement to comply with Senate Bill 1383 Regulations effective January 1, 2022, correct specific references and include an annual increase to the maximum compensation and rates retroactive to April 1, 2022, for the period of April 1, 2022 – March 31, 2023; and

WHEREAS, on March 1, 2023, the Town received correspondence from SCRR stating the acquisition of 4 acres at 10611 Old Redwood Highway, Windsor, as the new headquarters and corporation yard for SCRR, amending Exhibit 5 – Designated Facilities; and

WHEREAS, on May 17, 2023, the Town Council approved Amendment No. 7 to amend the Agreement to correct specific references and include an annual increase to the maximum compensation and rates retroactive to April 1, 2023, for the period of April 1, 2023 – March 31, 2024; and

WHEREAS, the Agreement between the Town and SCRR includes a Franchise Fee of 10% of gross receipts due from SCRR to the Town monthly; and

WHEREAS, the Town contracted with R3 Consulting Group, LLC to analyze the Town's Franchise Fee based on the Town's actual cost of providing solid waste services, reasonable charges for the use of Town property for solid waste services, and the costs of addressing the impacts of solid waste collection vehicles providing solid waste services, and produced a report justifying the Town's annual Franchise Fee amounts ("Franchise Fee Study"); and

WHEREAS, the Franchise Fee Study concluded that the Town's Franchise Fee in the Agreement with SCRR does not exceed the Town's cost of providing solid waste related services, including the reasonable charges that the Town could impose for the use of Town property for solid waste services and the impacts of solid waste collection vehicles on the Town's streets and roads; and

WHEREAS, the rates for solid waste service are set and imposed by SCRR, and the Town's Franchise Fee is set by the Franchise Agreement by adopting this resolution, the Town does not intend to impose any rates, fees, or charges on solid waste customers. However, to the extent that the adoption of this resolution results in the Town's imposition of any fees, rates, or charges, on solid waste customers, for services or facilities in connection with a solid waste system, including the Franchise Fee will be adopted pursuant to California Health and Safety Code section 5471; and

WHEREAS, on April 17, 2024, the Town Council approved Amendment No. 8 to amend the Agreement to correct specific references and include an annual increase to the maximum compensation and rates retroactive to April 1, 2024, for the period of April 1, 2024 – March 31, 2025; and

WHEREAS, on March 5, 2025, the Town received correspondence from SCRR requesting an increase to the maximum compensation and rates for the collection of solid waste, green waste, and recyclables from the period April 1, 2025 – March 31, 2026, 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. 9 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.

3. The aforesaid requests of SCRR are ratified, and Amendment No. 9 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 Attachment – Amendment No. 9, is hereby approved, and the Town Manager is authorized to execute said Amendment No. 9.

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.

BE IT FURTHER RESOLVED that the Town Council of the Town of Windsor approves the proposed language changes and maximum compensation and rates to be imposed by Sonoma County Resource Recovery, LLC., as established in Exhibits 1a-1j to Amendment No. 9 to the Collection Service Agreement between the Town of Windsor and Sonoma County Resource Recovery, LLC retroactive to April 1, 2025.

PASSED, APPROVED, AND ADOPTED this 16th day of April 2025, by the following vote:

AYES:	**COUNCILMEMBERS LEEP, SALMON, WALL VICE MAYOR POTTER AND MAYOR REYNOZA**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

ROSA REYNOZA, MAYOR

ATTEST:

SOMMER HAGEMAN, DEPUTY TOWN CLERK

Attachment:

- Exhibit A - Amendment No. 9 to the Collection Service Agreement between the Town of Windsor and Sonoma County Resource Recovery, LLC.