RESOLUTION NO. 2737-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR APPROVING THE SECOND AMENDMENT TO THE COLLECTION SERVICE AGREEMENT WITH WINDSOR REFUSE AND RECYCLING, INC. FOR THE COLLECTION OF SOLID WASTE, GREEN WASTE, AND RECYCLABLES EFFECTIVE OCTOBER 1, 2010 INCLUDING MAXIMUM COMPENSATION AND RATES AND AUTHORIZING THE TOWN MANAGER TO EXECUTE IT ON BEHALF OF THE TOWN

WHEREAS, on June 20, 2007 the Town Council approved a Collection Service Agreement with Windsor Refuse and Recycling, Inc. for the collection of solid waste, green waste, and recyclables for the period January 1, 2008 through September 30, 2017; and

WHEREAS, the collection service agreement requires an annual adjustment of the maximum compensation and rates and the amount of the annual adjustment is determined by using a Refuse Rate Index that is defined in Exhibit 2 of the collection service agreement, and

WHEREAS, on July 15, 2009 the Town Council approved the following modifications to the collection services agreement:

- revised the definition of the Refuse Rate Index (RRI) and application period that lays out the method by which the annual maximum compensation rates are adjusted;
- added several new fees to the Commercial and Multi-Family rate schedule and the process by which Windsor Refuse and Recycling, Inc. would apply them;
- added language regarding the deadlines for Windsor Refuse & Recycling, Inc. to submit payments and reports to the Town;
- added a requirement to reimburse the Town in 2009 for one time only a minimum of $3,000 for its expenses related to developing this first amendment and $1,500 each year starting in 2009 for Town expenses related to its review of the annual rate application.
- adjusted the date for implementation of the annual rate adjustment so that it takes into account the County of Sonoma's annual disposal fee adjustment;

WHEREAS, on June 28, 2010 the Town received a communication from Windsor Refuse & Recycling transmitting their annual request for an adjustment to the maximum compensation and rates for the collection of solid waste, green waste, and recyclables for the period October 1, 2010 – September 30, 2011; and

WHEREAS, Town staff, with the assistance of their technical consultants, reviewed the submitted request and made adjustments to comply with Sections 4.03 – 4.08 of the 1st amendment to the collections services agreement between the Town of Windsor and Windsor Refuse and Recycling, inc.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor approves the maximum compensation and rates as established in Exhibit 1a-f and which shall be

attached as the second amendment to the collection service agreement between the Town of Windsor and Windsor Refuse & Recycling, Inc. pursuant to Section 4.01 of said Agreement and authorizes the Town Manager to execute said second amendment.

PASSED, APPROVED AND ADOPTED this 15th day of September 2010, by the following vote:

AYES: **COUNCILMEMBERS FUDGE, GOBLE AND VICE MAYOR ALLEN**
NOES: **NONE**
ABSTAIN: **NONE**
ABSENT: **MAYOR SALMON AND COUNCILMEMBER SCHOLAR**

STEVE ALLEN, VICE MAYOR

ATTEST:

BRIGITTE GRAHAM, DEPUTY TOWN CLERK

Attachment: Second Amendment to Agreement between Town of Windsor and Windsor Refuse & Recycling, Inc. for collection of solid waste, green waste, and recyclables.

SECOND AMENDMENT TO AGREEMENT BETWEEN THE TOWN OF WINDSOR AND WINDSOR REFUSE AND RECYCLING FOR SOLID WASTE, GREEN WASTE, AND RECYCLABLES COLLECTION SERVICES

This Second Amendment to Agreement is made and entered into effective the ____ day of ____, 2010, by and between the Town of Windsor ("TOWN"), and Windsor Refuse and Recycling, Inc., a wholly owned subsidiary of the Ratto Group of Companies ("CONTRACTOR").

WHEREAS, TOWN and CONTRACTOR have entered into that certain AGREEMENT BETWEEN THE TOWN OF Windsor and Windsor Refuse and Recycling, Inc. dated June 20, 2007 (the "Agreement"), whereby CONTRACTOR began providing solid waste management services effective January 1, 2008; and

WHEREAS, TOWN and CONTRACTOR amended the Agreement on July 15, 2009 in order to include several new services and reporting requirements, change the time period and dates for the rate adjustment process, adjust CONTRACTOR'S Maximum Rates, and require CONTRACTOR to make additional payments to the TOWN;

WHEREAS, TOWN and CONTRACTOR desire to amend the Agreement a second time in order to adjust CONTRACTOR'S Maximum Rates.

Now, therefore, in consideration of the mutual covenants, agreements and consideration contained herein, TOWN and CONTRACTOR hereby agree as follows:

EXHIBIT 1. EXHIBIT 1 of the Agreement is amended to read as set forth in EXHIBIT 1, "Maximum Compensation and Rates", which is attached to and incorporated in this Second Amendment.

IN WITNESS WHEREOF, TOWN and CONTRACTOR have executed this Second Amendment to Agreement on the respective date(s) below each signature.

TOWN OF WINDSOR		WINDSOR REFUSE AND RECYCLING, INC	
_____	_____	_____	_____
J. Matthew Mullan Town Manager	Date	James Ratto, President, Ratto Group of Companies Town of Windsor Business License No. 980178	Date

The foregoing Agreement has been reviewed and approval is recommended:

_____	_____
Christa Johnson Assistant Town Manager	Date

_____ _____

James M. McAdler Date
Administrative Services Director

Resolution No. 2010 - _____

Approved by Town Council
Approved as to Form:

_____ _____

Richard Rudnansky, Date
Town Attorney

Exhibit 1a
Town of Windsor, CA
Maximum Compensation and Rates October 1, 2010 - September 30, 2011
SFD CART COLLECTION

0.00%	FY 2010/11 Collection Component Increase				
6.47%	FY 2010/11 Disposal Component Increase				
$ 107.00	/Ton Solid Waste Disposal - FY 2010/11	Sonoma County Landfill/Transfer System			
A. SFD CART COLLECTION SERVICE					
1	Solid Waste Cart Sizes (gallons)	**20**	**32**	**68**	**95**
2	Monthly Per Unit Disposal Generation Factor	0.025	0.029	0.042	0.074
3	Solid Waste Disposal Component (per ton disposal rate X the monthly generation factor)	$2.68	$3.10	$4.49	$7.92
4	Collection Component	$4.39	$8.94	$17.37	$28.60
5	Franchise Fee Component (10%)	$0.78	$1.34	$2.43	$4.05
6	**TOTAL MONTHLY SOLID WASTE COLLECTION RATE (Lines A3 + A4 + A5)**	**$7.85**	**$13.38**	**$24.29**	**$40.57**
B. SFD CART COLLECTION SERVICE - Senior Rate					
1	Solid Waste Cart Sizes (gallons)	**20**	**32**	**68**	
2	Monthly Per Unit Disposal Generation Factor	0.021	0.022	0.035	
3	Solid Waste Disposal Component (per ton disposal rate X the monthly generation factor)	$2.25	$2.35	$3.75	
4	Collection Component	$3.10	$6.74	$14.24	
5	Franchise Fee Component (10%)	$0.59	$1.01	$2.00	
6	**TOTAL MONTHLY SOLID WASTE COLLECTION RATE (Lines B3 + B4 + B5)**	**$5.94**	**$10.10**	**$19.98**	
C. SFD MONTHLY COST FOR ADDITIONAL GARBAGE AND GREEN WASTE CARTS					
1	Solid Waste Cart Sizes (gallons)	**20**	**32**	**68**	**95**
2	EACH ADDITIONAL SOLID WASTE CART	$7.23	$12.66	$25.31	$38.74
3	EACH ADDITIONAL GREEN WASTE CART (3+ carts)	$12.19	$12.19	$12.19	$12.19
D. ADDITIONAL SERVICES					
TOTAL RATE FY 2010/11 FOR ADDITIONAL SERVICES					
1	Additional Cart Exchange	$15.50	each additional cart/occurrence		
2	Additional Cart Replacement	$77.49	each additional cart/occurrence		
3	On Premise Collection	$51.66	added to all cart sizes total monthly rate		
4	Recycling Only Collection (1 – 95 gallon recycling cart)	$6.20	per month		

Exhibit 1b
Town of Windsor, CA
Maximum Compensation and Rates October 1, 2010 - September 30, 2011
MFD COLLECTION

0.00%	FY 2010/11 Collection Component Increase
6.47%	FY 2010/11 Disposal Component Increase

Container Size	Collection Frequency					
	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
20 Gallon						
Collection	$4.39					
Disposal	$2.68					
Franchise Fee	$0.79					
Total	$7.85					
32 Gallon						
Collection	$8.94	$17.85	$26.78	$35.71	$44.63	$53.56
Disposal	$3.11	$6.21	$9.32	$12.42	$15.53	$18.63
Franchise Fee	$1.34	$2.67	$4.01	$5.35	$6.68	$8.02
Total	$13.38	$26.74	$40.11	$53.48	$66.84	$80.21
68 Gallon						
Collection	$17.37	$36.59	$55.82	$75.05	$94.27	$113.50
Disposal	$4.49	$8.98	$13.47	$17.96	$22.44	$26.93
Franchise Fee	$2.43	$5.06	$7.70	$10.33	$12.97	$15.60
Total	$24.28	$50.63	$76.99	$103.34	$129.69	$156.04
95 Gallon						
Collection	$28.60	$57.20	$85.79	$114.39	$142.99	$171.59
Disposal	$7.92	$15.84	$23.76	$31.68	$39.60	$47.52
Franchise Fee	$4.06	$8.11	$12.17	$16.23	$20.29	$24.34
Total	$40.58	$81.15	$121.73	$162.30	$202.88	$243.45
1.5 CY						
Collection	$104.11	$167.64	$234.16	$263.32	$396.65	$487.54
Disposal	$69.55	$139.10	$208.65	$278.20	$347.75	$417.30
Franchise Fee	$19.29	$34.08	$49.20	$60.16	$82.70	$100.53
Total	$192.95	$340.82	$492.01	$601.68	$827.10	$1,005.37
2 CY						
Collection	$114.67	$180.96	$251.09	$382.11	$472.61	$496.42
Disposal	$93.09	$186.18	$279.27	$372.36	$465.45	$558.54
Franchise Fee	$23.08	$40.79	$58.92	$83.82	$104.22	$117.21
Total	$230.84	$407.93	$589.28	$838.29	$1,042.28	$1,172.16

Exhibit 1b
Town of Windsor, CA
Maximum Compensation and Rates October 1, 2010 - September 30, 2011
MFD COLLECTION

3 CY						
Collection	$151.22	$236.79	$321.96	$407.09	$492.25	$577.43
Disposal	$139.10	$278.20	$417.30	$556.40	$695.50	$834.60
Franchise Fee	$32.25	$57.22	$82.13	$107.04	$131.96	$156.88
Total	$322.58	$572.20	$821.39	$1,070.54	$1,319.71	$1,568.90
4 CY						
Collection	$146.37	$269.53	$365.08	$460.59	$556.11	$651.60
Disposal	$185.11	$370.22	$555.33	$740.44	$925.55	$1,110.66
Franchise Fee	$36.83	$71.08	$102.26	$133.43	$164.61	$195.79
Total	$368.30	$710.82	$1,022.67	$1,334.46	$1,646.28	$1,958.04
6 CY						
Collection	$147.09	$242.47	$341.61	$438.73	$535.77	$632.90
Disposal	$278.20	$556.40	$834.60	$1,112.80	$1,391.00	$1,669.20
Franchise Fee	$47.25	$88.75	$130.68	$172.37	$214.06	$255.76
Total	$472.54	$887.62	$1,306.89	$1,723.90	$2,140.84	$2,557.86
20 CY Box						
Total	$206.06	$412.12	$618.19	$824.25	$1,030.31	$1,236.37
30 CY Box						
Total	$232.46	$464.92	$697.38	$929.84	$1,162.29	$1,394.75
40 CY Box						
Total	$232.46	$464.92	$697.38	$929.84	$1,162.29	$1,394.75
10 CY Box Lowboy						
Total	$206.06	$412.12	$618.19	$824.25	$1,030.31	$1,236.37
Compactor						
Total	$231.43	$462.85	$694.28	$925.70	$1,157.13	$1,388.55
Push Rates	0-25 ft	26-49 ft	50-75 Ft	76-100 ft	101-125 ft	126+ ft
	N/C	$17.05	$34.09	$51.14	$68.03	$77.49
Cart or Bin Cleaning	**Each Occurrence**					
	Cart $36.16	1 – 4 CY Bin Size $51.66			5+ CY Bin Size $77.49	

Exhibit 1b
Town of Windsor, CA
Maximum Compensation and Rates October 1, 2010 - September 30, 2011
MFD COLLECTION

MFD Disposal Charge Per Ton	**$107.00**	MFD Disposal Site	Sonoma County Landfill/Transfer System
MFD Cart Monthly Per Unit Disposal Generation Factor (tons per month)	SEE SFD	MFD Bin Weight Per Cubic Yard Conversion Factor	200

ADDITIONAL SERVCES		
Additional On-Call MFD Bin Collection (each additional bin collection/ occurrence)	$67.90	1.5 CY
	$75.88	2 CY
	$95.69	3 cy
	$104.53	4 cy
	$125.22	6 cy
Collection of Overflowed Bins	$28.44	each cubic yard/ occurrence
Collection From Blocked Bins	$15.00	each bin collection/ occurrence
Collection of Contaminated Recyclable Materials or Green Waste	$20.00	each bin collection/ occurrence
Additional Bin Exchange (over the 1 free exchange for each for recycling, green waste and garbage Bin /contract term)	$15.50	each additional bin/ occurrence
Additional Bin Replacement (over the 1 free replacement for each for recycling, green waste and garbage Bin /contract term)	$51.66	each additional bin/ occurrence

Notes:

1 All 10, 20, 30, 40 CY boxes and compactors are pull rates only; disposal will be based on actual disposal costs, and the Franchise Fee will be 10% of the gross revenue per box (including collection and disposal). The total customer rate will be the total cost for the collection, disposal and the franchise fee.

2. Green waste collection to be provided to MFD Service Units at 50% discount.

Exhibit 1c
Town of Windsor, CA
Maximum Compensation and Rates October 1, 2010 - September 30, 2011
COMMERCIAL COLLECTION

0.00%	FY 2010/11 Collection Component Increase
6.47%	FY 2010/11 Disposal Component Increase

Container Size	Collection Frequency					
	1X Week	2X Week	3X Week	4X Week	5X Week	6X Week
20 Gallon						
Collection	$15.99	$31.99	$47.98	$63.97	$79.97	$95.96
Disposal	$4.28	$8.56	$12.84	$17.12	$21.40	$25.68
Franchise Fee	$2.25	$4.50	$6.76	$9.01	$11.26	$13.51
Total	$22.53	$45.05	$67.58	$90.10	$112.63	$135.15
32 Gallon						
Collection	$17.51	$35.02	$52.54	$70.05	$87.56	$105.07
Disposal	$6.42	$12.84	$19.26	$25.68	$32.10	$38.52
Franchise Fee	$2.66	$5.32	$7.98	$10.64	$13.29	$15.95
Total	$26.59	$53.18	$79.77	$106.36	$132.95	$159.54
68 Gallon						
Collection	$18.47	$36.95	$55.42	$73.89	$92.36	$110.84
Disposal	$13.91	$27.82	$41.73	$55.64	$69.55	$83.46
Franchise Fee	$3.60	$7.20	$10.79	$14.39	$17.99	$21.59
Total	$35.98	$71.96	$107.94	$143.92	$179.90	$215.88
95 Gallon						
Collection	$20.15	$40.29	$60.44	$80.59	$100.73	$120.88
Disposal	$20.33	$40.66	$60.99	$81.32	$101.65	$121.98
Franchise Fee	$4.50	$8.99	$13.49	$17.99	$22.48	$26.98
Total	$44.97	$89.95	$134.92	$179.89	$224.87	$269.84
1.5 CY						
Collection	$104.11	$167.64	$234.16	$263.32	$396.65	$487.54
Disposal	$69.55	$139.10	$208.65	$278.20	$347.75	$417.30
Franchise Fee	$19.29	$34.08	$49.20	$60.16	$82.70	$100.53
Total	$192.95	$340.82	$492.01	$601.68	$827.10	$1,005.37
2 CY						
Collection	$114.67	$180.96	$251.09	$382.11	$472.61	$496.42
Disposal	$93.09	$186.18	$279.27	$372.36	$465.45	$558.54
Franchise Fee	$23.08	$40.79	$58.92	$83.82	$104.22	$117.21
Total	$230.84	$407.93	$589.28	$838.29	$1,042.28	$1,172.17
3 CY						
Collection	$151.22	$236.79	$321.96	$407.09	$492.25	$577.43
Disposal	$139.10	$278.20	$417.30	$556.40	$695.50	$834.60
Franchise Fee	$32.25	$57.22	$82.13	$107.04	$131.96	$156.88
Total	$322.58	$572.20	$821.39	$1,070.53	$1,319.71	$1,568.91

Exhibit 1c
Town of Windsor, CA
Maximum Compensation and Rates October 1, 2010 - September 30, 2011
COMMERCIAL COLLECTION

4 CY						
Collection	$146.37	$269.53	$365.08	$460.59	$556.11	$651.60
Disposal	$185.11	$370.22	$555.33	$740.44	$925.55	$1,110.66
Franchise Fee	$36.83	$71.08	$102.26	$133.43	$164.61	$195.79
Total	$368.30	$710.82	$1,022.67	$1,334.46	$1,646.28	$1,958.05
6 CY						
Collection	$147.09	$242.47	$341.61	$438.73	$535.77	$632.90
Disposal	$278.20	$556.40	$834.60	$1,112.80	$1,391.00	$1,669.20
Franchise Fee	$47.25	$88.75	$130.68	$172.37	$214.06	$255.76
Total	$472.54	$887.62	$1,306.89	$1,723.90	$2,140.83	$2,557.86
20 CY Box						
Collection	$206.06	$412.12	$618.19	$824.25	$1,030.31	$1,236.37
30 CY Box						
Collection	$232.46	$464.92	$697.38	$929.84	$1,162.30	$1,394.76
40 CY Box						
Collection	$232.46	$464.92	$697.38	$929.84	$1,162.30	$1,394.76
10 CY Box Lowboy						
Collection	$206.06	$412.12	$618.18	$824.24	$1,030.30	$1,236.36
Compactor						
Collection	$231.43	$462.86	$694.29	$925.72	$1,157.15	$1,388.58
	0-25 ft	26-49 ft	50-75 Ft	76-100 ft	101-125 ft	126+ ft
Push Rates	N/C	$17.05	$34.09	$51.14	$67.03	$77.49
	Each Occurrence					
Cart or Bin Cleaning	Cart $36.16	1 – 4 CY Bin Size $51.66			5+ CY Bin Size $77.49	

Commercial Disposal Charge Per Ton	**$107.00**	Commercial Disposal Site	Sonoma County Landfill/Transfer System
Commercial Cart Monthly Per Unit Disposal Generation Factor (tons per month)	SEE SFD	Commercial Bin Weight Per Cubic Yard Conversion Factor	200

Exhibit 1c
Town of Windsor, CA
Maximum Compensation and Rates October 1, 2010 - September 30, 2011
COMMERCIAL COLLECTION

ADDITIONAL SERVICES

Additional On-Call MFD Bin Collection (each additional bin collection/ occurrence)	$67.90	1.5 CY
	$75.88	2 CY
	$95.69	3 cy
	$104.53	4 cy
	$125.22	6 cy
Collection of Overflowed Bins	$28.44	each cubic yard/ occurrence
Collection From Blocked Bins	$15.00	each bin collection/ occurrence
Collection of Contaminated Recyclable Materials or Green Waste	$20.00	each bin collection/ occurrence
Additional Bin Exchange (over the 1 free exchange for each for recycling, green waste and garbage Bin /contract term)	$10.33	each additional bin/ occurrence
Additional Bin Replacement (over the 1 free replacement for each for recycling, green waste and garbage Bin /contract term)	$51.66	each additional bin/ occurrence

Notes:

1 All 10, 20, 30, 40 CY boxes and compactors are pull rates only; disposal will be based on actual disposal costs, and the Franchise Fee will be 10% of the gross revenue per box (including collection and disposal). The total customer rate will be the total cost for the collection, disposal and the franchise fee.

2. Green waste collection to be provided to Commercial Service Units at 50% discount.
3. Organic waste collection (food waste) to be provided to Commercial Service Units at 25% discount.

Exhibit 1d Town of Windsor, CA Maximum Compensation and Rates - October 1, 2010 - September 30, 2011 **EMERGENCY SERVICE RATES - EMPLOYEES**	
0.00% FY 2010/11 Collection Component Increase	
Labor Position	**Hourly Rate**
DRIVER	$55.79
UTILITY	$40.62

NOTE:
1. "Base Rates" shall be used to calculate FY 2010/11 rates and shall not include the "One Time Adjustment Covering July 1, 2009 – September 20. 2009."

Exhibit 1e Town of Windsor, CA Maximum Compensation and Rates - October 1, 2010 - September 30, 2011 **EMERGENCY SERVICE RATES - EQUIPMENT**	
0.00% FY 2010/11 Collection Component Increase	
Labor Position or Equipment Type	**Hourly Rate**
FRONTLOADER	$53.72
SPLIT BODY	$61.99
SIDE LOADER	$56.82
ROLL OFF	$41.33
STREET SWEEPER	$41.33
CART DELIVERY	$36.16
BIN DELIVERY	$36.16
PICKUP	$30.99

Exhibit 1f

Town of Windsor, CA

Maximum Compensation and Rates - October 1, 2010 - Sept. 30, 2011

LARGE ITEM COLLECTION SERVICES

0.00% FY 2009/10 Collection Component Increase

A **SFD LARGE ITEM COLLECTION PER ITEM**

	Item	(each additional item is $15.00 less)
Furniture		
1	Twin (per set)	$51.66
2	Double/Full (per set)	$51.66
3	Queen (per set)	$51.66
4	King (per set)	$51.66
5	Bed Frame	$41.33
6	Couch (under 6 ft.)	$41.33
7	Upholstered Chairs	$41.33
8	Wooden Chairs	$41.33
9	Dinette Tables	$41.33
Household Items		
10	Rug (9x12)	$41.33
11	Vacuum	$41.33
Appliances		
12	Water Heater 35 Gal	$41.33
13	Water Heater 40-50 Gal	$41.33
14	Water heater 100 Gal	$41.33
15	Oven	$46.49
16	Oven (Stove Top)	$46.49
17	Oven-Stove Unit	$46.49
18	Microwave	$41.33
19	Garbage Compactor	$41.33
20	Dishwasher	$41.33
21	Fridge	$56.82
22	Freezer	$56.82
23	Air Conditioner	$56.82
24	Washing Machine	$46.49
25	Dryer	$46.49

Exhibit 1f

Town of Windsor, CA

Maximum Compensation and Rates - October 1, 2010 - Sept. 30, 2011

LARGE ITEM COLLECTION SERVICES

Building Materials		
26	Household Doors	$41.33
27	Sink	$41.33
28	Toilets	$41.33
29	Windows (less than 3'x4' only)	
Yard & Garden		
30	Gas Mower (must be drained of gas & oil)	$30.99
31	BBQ	$30.99
32	Ping Pong Table	$41.33
33	Exercise Bike	$30.99
34	Swing Sets	$30.99
35	Bike	$30.99
Electronics		
36	Computer Monitor	$30.99
37	Television	$30.99
38	Console Television	$51.66
39	Stereo Equipment	$30.99
40	VCR/Home Entertainment	$30.99
41	Printer/Fax	$30.99
42	Copier (table top)	$30.99
43	Copier (stand alone) Minimum Charge	$72.32
44	Oversize office equipment	price varies

B. SFD LARGE ITEM COLLECTION PER CUBIC YARD SERVICE RATE (additional cost, for each collection)		
1	Yard Large Item Size	**1 CY**
2	Large Item Collection Component (includes processing/disposal)	$15.52
3	Franchise Fee Component (10%)	$1.72
4	**TOTAL LARGE ITEM PER CUBIC YARD COLLECTION RATE (Lines B2 + B3)**	**$17.24**