

[Landfill Disposal and Facilitation Agreements – Recology San Francisco]

Resolution approving a ten-year Landfill Disposal Agreement and Facilitation Agreement with Recology San Francisco under Charter Section 9.118.

WHEREAS, The California Department of Resources Recycling and Recovery requires that the City have a plan for 15 years of landfill disposal capacity; and

WHEREAS, The Department of the Environment estimates that the City will exhaust its landfill disposal capacity under the current agreement with Waste Management of Alameda County, Inc., by 2014 or 2015; and

WHEREAS, The Department of the Environment issued a Request for Proposals for Landfill Disposal Capacity on February 9, 2009, and subsequently selected Recology San Francisco as the highest qualified scorer under the Request for Proposals; and

WHEREAS, A copy of the proposed Landfill Disposal Agreement and Facilitation Agreement are on file with the Clerk of the Board of Supervisors in File No. 101225 and are hereby declared to be a part of this Resolution as if set forth fully herein; and

WHEREAS, Under the Landfill Disposal Agreement, Recology San Francisco ("Recology") would grant the City, upon expiration of the current agreement, the right to deposit at Recology's landfill all solid waste collected in the City until December 31, 2025, or until 5 million tons have been deposited; and

WHEREAS, The City would in turn designate Recology's landfill as the exclusive site for disposal of solid waste collected in the City; and

WHEREAS, The City would not be required to pay for the right to deposit solid waste at the landfill, but would authorize Recology to charge waste haulers "tipping fees" specified in the Agreement; and

1 WHEREAS, Under the Facilitation Agreement, Recology would agree to specific limits
2 on transportation costs in connection with rail transportation of solid waste collected in the
3 City; and

4 WHEREAS, The City would in turn provide Recology with assurances regarding
5 reimbursement of Recology's costs to develop the contemplated rail transport system through
6 the fees Recology is allowed to charge waste haulers and the rates that waste haulers are
7 permitted to charge customers; and

8 WHEREAS, The Facilitation Agreement includes language to address further
9 exploration of transportation alternatives and the feasibility of developing new refuse handling
10 facilities at the Port of San Francisco; and

11 WHEREAS, San Francisco Charter Section 9.118 requires the Board of Supervisors to
12 approve contracts having a term of more than 10 years; now, therefore, be it

13 RESOLVED, That the Board of Supervisors under Charter Section 9.118 approves the
14 Landfill Disposal Agreement and Facilitation Agreement for terms exceeding 10 years; and,
15 be it

16 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of the
17 Department of the Environment to execute agreements in substantially the form of the Landfill
18 Disposal Agreement and Facilitation Agreement on file with the Clerk of the Board of
19 Supervisors; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors authorizes the Director of the
21 Department of the Environment to enter into any additions, amendments, or other
22 modifications to the Landfill Disposal Agreement and Facilitation Agreement (including,
23 without limitation, preparation and attachment of, or changes to, any or all of the exhibits,
24 appendices, or ancillary agreements) that the Director, in consultation with the City Attorney,
25 determines to be in the best interest of the City, do not materially increase the obligations or

1 liabilities of the City or materially decrease the public benefits accruing to the City, and are
2 necessary or advisable to complete the transactions contemplated and to effectuate the
3 purpose and intent of this Resolution, such determination to be conclusively evidenced by the
4 execution and delivery by the Director of any such documents; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors approves and ratifies all prior
6 actions taken by the officials, employees, and agents of the Department of the Environment
7 and the City with respect to the Landfill Disposal Agreement and Facilitation Agreement.

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City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 101225

Date Passed: July 26, 2011

Resolution approving a ten-year Landfill Disposal Agreement and Facilitation Agreement with Recology San Francisco under Charter Section 9.118.

February 09, 2011 Budget and Finance Committee - CONTINUED TO CALL OF THE CHAIR

April 20, 2011 Budget and Finance Sub-Committee - CONTINUED TO CALL OF THE CHAIR

July 20, 2011 Budget and Finance Sub-Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 20, 2011 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED

July 26, 2011 Board of Supervisors - ADOPTED

Ayes: 9 - Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Mirkarimi and Wiener

Noes: 2 - Avalos and Campos

File No. 101225

I hereby certify that the foregoing
Resolution was ADOPTED on 7/26/2011 by
the Board of Supervisors of the City and
County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Edwin Lee

Date Approved