



**MENDOCINO COUNTY BOARD OF SUPERVISORS**  
**ONLINE AGENDA SUMMARY**

**BOARD AGENDA # 4(g)**

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 1 complete original single-sided set and 1 photocopy set – Items must be signed-off by appropriate departments and/or Co. Co.  
*Note: If individual supporting document(s) exceed 25 pages each, or are not easily duplicated, please provide 7 hard-copy sets)*
- Transmittal of electronic Agenda Summaries, records, and supporting documentation must be emailed to: [bosagenda@co.mendocino.ca.us](mailto:bosagenda@co.mendocino.ca.us)
- Electronic Transmission Checklist:  Agenda Summary  Records  Supp. Doc.  If applicable, list other online information below
- Executed records will be returned to the department within one week. *Arrangements for expedited processing must be made in advance*

TO: Board of Supervisors DATE: April 22, 2016

FROM: County Counsel and Solid Waste Director MEETING DATE: May 17, 2016

DEPARTMENT RESOURCE/CONTACT: Rebecca L. Chenoweth PHONE: 234-6885 Present  On Call

Consent Agenda  Regular Agenda  Noticed Public Hearing  Time Allocated for Item: N/A

**■ AGENDA TITLE: Approval of Settlement Agreement and Release of Claims Between County of Mendocino and Solid Waste of Willits, Inc., Including Fourth Amendment to Agreement No. 11-008 and Fourth Amendment to Agreement No. 10-138 to Indemnify Operator Concerning County Storm Water Pollution Prevention Plan**

**■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** Board of Supervisors approved Transfer Station Operations Agreement and Lease with Solid Wastes of Willits on August 17, 2010, and subsequently made three (3) minor amendments thereto.

**■ SUMMARY OF REQUEST:** California River Watch filed suit against Mendocino County, City of Fort Bragg, and Solid Waste of Willits alleging deficiencies in storm water management of Caspar Landfill. Solid Waste of Willits filed a Cross-Complaint against Mendocino County and City of Fort Bragg seeking indemnification and reimbursement of legal fees and costs in the amount of \$15,000. This lawsuit was previously discussed in closed session with the Board of Supervisors and authorization was given to County Counsel to negotiate settlement of said lawsuit. In exchange for dropping their request for of legal fees and costs, Mendocino County agreed to add indemnification language to two existing agreements: 1) Caspar Transfer Station Operations Agreement and Lease Between County of Mendocino and Solid Waste of Willits, Inc. [BOS Agreement No. 11-008]; and 2) Transfer Station Operations Agreement Between the County of Mendocino and Solid Waste of Willits, Inc. [BOS Agreement No. 10-138].

The Settlement Agreement and Release of Claims includes the Fourth Amendment to BOS Agreement No. 11-008 [Exhibit A], and the Fourth Amendment to BOS Agreement No.10-138 [Exhibit B]. County Counsel requests that the Board of Supervisors approve and sign the Settlement Agreement and Release of Claims, as well as include the Fourth Amendment to BOS Agreement No. 11-008 [Exhibit A], and the Fourth Amendment to BOS Agreement No. 10-138 [Exhibit B].

**■ SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:**

**■ ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):**

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
N/A	N/A	N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>

**■ SUPERVISORIAL DISTRICT:** 1  2  3  4  5  All  **■ VOTE REQUIREMENT:** Majority  4/5ths

**BOARD ACTION (DATE: \_\_\_\_\_):**  Approved  Referred to \_\_\_\_\_  Other \_\_\_\_\_

**RECORDS EXECUTED:**  Agreement: \_\_\_\_\_  Resolution: \_\_\_\_\_  Ordinance: \_\_\_\_\_  Other \_\_\_\_\_



■ **RECOMMENDED ACTION/MOTION:** Approve Settlement Agreement and Release of Claims between County of Mendocino and Solid Waste of Willits, Inc., including fourth amendment to Agreement No. 11-008 and fourth amendment to Agreement No. 10-138 to indemnify operator concerning County Storm Water Pollution Prevention Plan; and authorize Chair to sign same.

■ **ALTERNATIVES:** Decline to approve Settlement Agreement and Release of Claims between County of Mendocino and Solid Waste of Willits, Inc., including Fourth Amendment to Agreement No. 11-008 and Fourth Amendment to Agreement No. 10-138 to indemnify operator concerning County Storm Water Pollution Prevention Plan.

■ **CEO REVIEW (NAME):** \_\_\_\_\_ **PHONE:** 463-4441  
**RECOMMENDATION:** Agree  Disagree  No Opinion  Alternate  Staff Report Attached

**BOARD ACTION**  
 Approved \_\_\_\_\_  
 Records Executed \_\_\_\_\_

**Date of Meeting** \_\_\_\_\_  
 Referred to \_\_\_\_\_  
 Other \_\_\_\_\_