



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 4(i)

- 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
- 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:** March 21, 2016

FROM: County Counsel and Solid Waste Director **MEETING DATE:** April 5, 2016

DEPARTMENT RESOURCE/CONTACT: Rebecca 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 Approval of Fourth Amendment to BOS Agreement No. 11-008 and Approval of Fourth Amendment to BOS Agreement No. 10-138 to Indemnify Operator Concerning County Storm Water Pollution Prevention Plan

■ PREVIOUS BOARD/BOARD COMMITTEE ACTIONS: The Board of Supervisors approved Transfer Station Operations Agreement and Lease with Solid Waste 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 the 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 the settlement of said lawsuit. In exchange for dropping their request for legal fees and costs, Mendocino County agreed to add indemnification language to two (2) existing agreements: 1) Caspar Transfer Station Operations Agreement and Lease Between County of Mendocino and Solid Waste of Willits, Inc. [BOS Agreement #11-008]; and 2) Transfer Station Operations Agreement Between the County of Mendocino and Solid Waste of Willits, Inc. [BOS Agreement 10-138].

The Settlement Agreement and Release of Claims includes the Fourth Amendment to BOS Agreement #11-008 [Exhibit A], and the Fourth Amendment to BOS Agreement 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 approve and include the Fourth Amendment to BOS Agreement #11-008 [Exhibit A], and the Fourth Amendment to BOS Agreement 10-138 [Exhibit B].

■ SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT: N/A

■ 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 checked="" 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 approval of fourth amendment to BOS Agreement No. 11-008 and approval of fourth amendment to BOS Agreement No. 10-138 to indemnify operator concerning County Storm Water Pollution Prevention Plan; and further, 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 the Fourth Amendment to BOS Agreement #11-008 and the Fourth Amendment to BOS Agreement #10-138 to Indemnify Operator Concerning County Storm Water Pollution Prevention Plan.

■ **CEO REVIEW (NAME):** Janelle Rau, Deputy CEO **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION
 Approved _____
 Records Executed _____

Date of Meeting _____
 Referred to _____
 Other _____