

1 [Landfill Disposal and Facilitation Agreements – Recology San Francisco]

2

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

5

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

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

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

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

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

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

23 WHEREAS, The City would not be required to pay for the right to deposit solid waste at
24 the landfill, but would authorize Recology to charge waste haulers "tipping fees" specified in
25 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;

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

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

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

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

1 purpose and intent of this Resolution, such determination to be conclusively evidenced by the
2 execution and delivery by the Director of any such documents; and, be it

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25