



**Health & Human Services
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: September 11, 2018

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
County Counsel Sign-Off	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
CONTACT PERSON: Nilsa Gonzalez PHONE: (559) 624-7400				

SUBJECT: Approve an agreement with PaintCare Inc.

REQUEST(S):

That the Board of Supervisors:

1. Approve an agreement with PaintCare Inc. to facilitate the collection and transportation of hazardous paint materials from County's Drop-off sites, effective upon signatures and will remain in effect for a period of (2) years in the amount of zero dollars. Immediately after the expiration of the Initial term, this agreement will automatically renew for additional successive one (1) year terms, unless either party notifies the other in writing at least sixty (60) days in advance of the renewal term commencement date that the agreement will not be renewed; and
2. Authorize the Chairman of the Board to sign three (3) copies of the agreement.

SUMMARY:

The Tulare County Health and Human Services Agency's Environmental Health Division requests the approval of the agreement with PaintCare Inc. to facilitate the collection and transportation of paint materials from the County's designated Drop-off sites. PaintCare Inc. is the program manager of the California Architectural Paint Recovery Program, as set forth by Cal. Public Resources Code §§ 48700 – 48706 (2010).

The proper disposal of hazardous waste, such as paint materials, is a vital part to maintaining a safe environment for the community. The disposal of waste helps to

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prevent additional pollution which improves public health as it has a lesser chance of getting into the water supply and causing illnesses. The Environmental Health Division has been providing the designated Drop-off sites (permanent collection centers) at various locations throughout the County for residents to properly dispose of these hazardous products and materials. Under this agreement, PaintCare Inc. will arrange and provide for the pickup and ultimate disposition of the products through the following methods: reuse, recycling, fuel blending, and proper disposal. The agreement is projected to provide the paint material collection for all Tulare County residents.

This agreement has been approved as to form by County Counsel. The following terms deviate substantively from standard County boilerplate: (1) This is a multi-year agreement; (2) It includes Auto renewal which is cancelable in advance or terminable without cause; (3) County accepts title and risk of loss and liability for everything received at the drop-off sites; (4) It includes mutual indemnification; and (5) Both parties are required to carry insurance (or self-insurance), but Paint Care is not required to name County as additional insured, or give a waiver of subrogation, which County is required to do.


FISCAL IMPACT/FINANCING:

This agreement has no monetary obligation; however, the County agrees to purchase a pollution liability insurance policy in an amount not to exceed \$3,000 to meet the requirements of the agreement. This amount has been budgeted in the proposed Fiscal Year 2018-2019 budget, therefore approval of this agreement will result in no net County Cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's five-year strategic plan includes the Safety & Security of the Public Initiative that provides adequate facilities for safety of the public by complying with state regulations regarding the collection of hazardous material data, chemical inventories, underground and aboveground storage tanks and hazardous waste generation. This agreement provides the ability to fulfill this obligation by providing a Drop-off site for the collection, transportation, and disposal of hazardous paint materials at various locations throughout the County.

ADMINISTRATIVE SIGN-OFF:


030 KAREN ELLIOTT
Karen M. Elliott
Director of Public Health

cc: County Administrative Office

Attachment(s) Agreement

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF APPROVE AN
AGREEMENT WITH PAINTCARE INC.

)
) Resolution No. _____
) Agreement No. _____
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: MICHAEL C. SPATA
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Approved an agreement with PaintCare Inc. to facilitate the collection and transportation of hazardous paint materials from County's Drop-off sites, effective upon signatures and will remain in effect for a period of (2) years in the amount of zero dollars. Immediately after the expiration of the Initial term, this agreement will automatically renew for additional successive one (1) year terms, unless either party notifies the other in writing at least sixty (60) days in advance of the renewal term commencement date that the agreement will not be renewed; and
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