



## Local Ballot Measure: Q

# Measure Q

## Town of Windsor

### Measure Question

**Simple Majority Needed to Pass**

Town of Windsor Solid Waste Management Competitive Bidding: Shall the proposed ordinance, to allow the Town Council to approve agreements for solid waste collection services for a term longer than ten (10) years and without competitive bidding, be adopted?

### What Your Vote Means

YES	NO
<p>A "Yes" vote is a vote to approve an amendment to the Town's Municipal Code allowing the Town Council to select a private contractor to provide solid waste collection services without a requirement to use a competitive bidding process and to determine the duration of franchise agreements for those services.</p>	<p>A "No" vote is a vote against the amendment and will continue to require the Town Council to use a competitive bidding process to select a private contractor to provide solid waste collection services and limit franchise agreements for these services to ten years. The Town will continue to be required to initiate a new competitive bidding process at least every ten years to select a service provider.</p>

### For and Against Measure Q

FOR	AGAINST
<p>Mark Millan Former Mayor of Windsor</p> <p>Jo M. Timmsen 32-Year Windsor Resident</p> <p>Roberto Gomez Windsor Resident Since 1990</p> <p>Linda L. Garth 32 year Windsor resident</p> <p>Bruce G Okrepkie Former Mayor of Windsor</p>	<p>Bob Kruse Vietnam Veteran / Resident</p> <p>Betsy Mallace Advocate / Windsor Resident</p> <p>Mary Ann Bainbridge-Krause 30 Year Windsor Resident</p> <p>Jose L. Castaneda Resident</p>



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## City Attorney's Impartial Analysis of Measure Q

Measure Q proposes to amend the Windsor Municipal Code to allow the Town Council to approve agreements for solid waste (garbage) collection services for a term longer than ten years and without competitive bidding. Measure Q was placed on the ballot as the result of an initiative petition signed by the required number of voters.

The Town of Windsor ("Town") does not operate its own solid waste functions. Instead, it contracts with private waste service providers via a franchise agreement to deliver solid waste, recycling, and green waste collection services to residents and businesses.

In 1996, Town voters approved a ballot measure requiring the Town to use a competitive bidding process to select a solid waste service provider. It also limited the duration of franchise agreements to ten years. The Town is currently required to initiate a new competitive bidding process every ten years to select a solid waste hauler. The Town utilizes a competitive procurement process that evaluates contractors through experience, reputation, and capacity to provide solid waste, recyclable material, and green waste collection services within the Town. Since Town voters approved these requirements through a ballot measure, any amendments must also be approved by the voters.

Measure Q would amend the Town's Municipal Code to allow the Town Council to select a solid waste hauler to provide these services without competitive bidding. It would also allow the Town Council to determine the duration of franchise agreements.

Specifically, Measure Q proposes two changes to the current requirements. First, it would remove the ten-year limit on the length of franchise agreements; second, it would allow the Town Council to decide whether to use a competitive bidding process to choose a contractor. Measure Q makes other minor amendments to the Town's Municipal Code consistent with these two changes.

A "Yes" vote is a vote to approve an amendment to the Town's Municipal Code allowing the Town Council to select a private contractor to provide solid waste collection services without a requirement to use a competitive bidding process and to determine the duration of franchise agreements for those services.

A "No" vote is a vote against the amendment and will continue to require the Town Council to use a competitive bidding process to select a private contractor to provide solid waste collection services and limit franchise agreements for these services to ten years. The Town will continue to be required to initiate a new competitive bidding process at least every ten years to select a service provider.

Measure Q will pass if it receives a simple majority of "Yes" votes.

The above statement is an impartial analysis of Measure Q. If you desire a copy of the Ordinance or Measure, please call the Town Clerk at (707) 838-5315 and a copy will be mailed at no cost to you.

DATED: August 15, 2024      s/ Jose M. Sanchez  
Town Attorney

**Continue to next page for arguments**



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Arguments and rebuttals are the opinions of the authors. They are printed exactly as submitted, including errors.

Argument in Favor of Measure Q	Rebuttal to Argument in Favor of Measure Q
<p>Voting Yes on Measure Q will provide the flexibility Windsor needs to negotiate stronger waste collection services contracts – allowing future contracts to be devised with rates, jobs, the environment, and single-stream recycling at the forefront.</p> <p>The passage of Measure Q will not result in any immediate changes to waste collection services, nor does it amend the current waste services contract, which will remain in effect until it either expires, is amended, or renewed. While service levels Windsor customers expect will continue for the foreseeable future, Measure Q will create an opportunity for garbage service providers to plan a brighter future for waste services by seeking contracts longer than 10 years – contracts that must still be vetted through a similar public process, may include competitive bidding, and ultimately require Town Council approval, consistent with previous waste service contracts. Critically, Measure Q maintains the Town Council's authority to seek the best contractor for the best price.</p> <p>Currently, garbage contracts must be put out to bid and renegotiated every 10 years – which when last completed in 2017, cost over \$500,000 – costs that were ultimately passed on to taxpayers and ratepayers. 10-year contracts also create constraints for service providers – who know that contracts have a fixed lifespan based on the current ordinance.</p> <p>If future garbage contracts are ultimately renegotiated for a term of longer than 10 years, it creates more certainty for providers to stabilize rates while considering opportunities to further enhance service: cutting-edge investments that may include more environmentally-friendly garbage trucks, recycling cans without dividers, and process improvements to divert more waste from landfills.</p> <p>The Town of Windsor has changed over the last 28 years – as have the processes of collecting waste, recycling, and compostable materials.</p> <p>Vote Yes to create the flexibility needed to improve waste collection services in the Town of Windsor.</p> <p>Vote Yes on Measure Q.</p> <p><a href="http://www.Windsor.vote">www.Windsor.vote</a></p> <p>s/ Mark Millan Former Mayor of Windsor</p> <p>s/ Jo M. Timmsen 32-Year Windsor Resident</p> <p>s/ Roberto Gomez Windsor Resident Since 1990</p> <p>s/ Linda L. Garth 32 year Windsor resident</p> <p>s/ Bruce G Okrepkie Former Mayor of Windsor</p>	<p>Measure Q creates flexibility for only the current garbage company. Sonoma County Resource Recovery created and funded this measure, not the Windsor residents or rate payers. Measure Q will benefit Sonoma County Resource Recovery, but at the rate payer's expense.</p> <p>Proponents want you to believe Measure Q is needed to improve garbage service, but only speculate on possible benefits. Voters need to keep what we already fought for, voted on and approved. We voted for open, transparent, competitive bidding and 10- year limits on contracts.</p> <p>Sonoma County Resource Recovery wants "certainty" for their business. Residents and rate payers want certainty too; we want the town council to do what's in the best interest of residents in a transparent, competitive way that builds trust and confidence in their decisions.</p> <p>Measure Q takes away voters' rights and gives the town council the ability to do whatever they want, in perpetuity, forever. Who knows who will be on the town council in 2, 5, 10 years? Or who will be backing their candidacy. Why give up competitive bidding and risk opening the door to influence-peddling and favoritism in choosing a garbage company?</p> <p>Do not vote away your rights. Keep competitive bidding. Keep 10-year contract limits. Keep accountability and transparency. Keep Windsor honest.</p> <p>Vote No on Measure Q.</p> <p>s/ Bob Kruse Vietnam Veteran / Windsor Resident</p> <p>s/ Betsy Mallace Advocate / Windsor Resident</p> <p>s/ Mary Ann Bainbridge-Krause 30 Year Windsor Resident</p> <p>s/ Jose L. Castaneda Resident</p>



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Argument Against Measure Q	Rebuttal to Argument Against Measure Q
<p>Vote No on Measure Q. Don't be fooled; Measure Q is the garbage company's plan to force changes in Windsor that helps their business, but hurts rate payers.</p> <p>Windsor voters already spoke out on this. Shortly after Windsor incorporated as a Town in 1992, the newly-elected town council granted a 3-year extension to their garbage company; the contract was later extended again for 10 more years. Windsor's garbage rates became the highest of any city in Sonoma County! In 1996, voters overturned that last extension, and overwhelmingly approved another ballot measure that mandated competitive bidding and 10-year limits on contracts.</p> <p>In 1997, a new garbage company, was awarded a contract through competitive bidding; by 1998, Windsor had the lowest garbage rates in Sonoma County. In 2016, Sonoma County Resource Recovery was awarded a 10-year contract through competitive bidding.</p> <p>Now, with 2 years left on their contract, Sonoma County Resource Recovery is trying to end what voters demanded: competitive bidding and a 10-year limit. Sonoma County Resource Recovery is the sponsor and major funder behind Measure Q. Although it's a "citizen-initiated" ballot measure, a Sonoma County Resource Recovery executive is one of the citizens who initiated it.</p> <p>A Yes vote will overturn the original citizens' initiative passed in 1996 and allow forever, no-bid contracts to be awarded at the whim of whatever town council is in place. Voters should not give up their power to an unknown, future council. Can we trust how contracts get selected if there's no competition? Should one garbage company have more influence than voters? We say No!</p> <p>This is a large, lucrative contract in Windsor. Vote No to keep competitive bids and 10-year limited contracts. Vote No to demand transparency, integrity and fairness in government. Voters have the right to say "No;" don't let the current garbage company take that away.</p> <p>s/ Bob Kruse Vietnam Veteran / Resident</p> <p>s/ Betsy Mallace Advocate / Windsor Resident</p> <p>s/ Mary Ann Bainbridge-Krause 30 Year Windsor Resident</p> <p>s/ Jose L. Castaneda Resident</p>	<p>Voting Yes on Measure Q maintains existing waste collection services without any changes or disruption in these services, while allowing the existing contract to be reconsidered for a period of longer than 10 years – ultimately helping ratepayers by stabilizing rates and putting jobs, the environment, and single-stream recycling at the forefront.</p> <p>Let's be clear: the current waste services contract can't "force" anything onto the Town or its customers. Any modifications or contract renewals are subject to Town Council approval – with or without Measure Q. We've entrusted our Mayor and Councilmembers to make decisions in the best interests of Windsor – Measure Q protects their decision-making authority, including waste services contracts.</p> <p>If future garbage contracts are ultimately renegotiated for a term longer than 10 years through a similar process that may include competitive bidding, it creates more certainty for providers to stabilize rates while considering opportunities to better meet community and environmental needs.</p> <p>Opponents of Measure Q use the same divisive rhetoric we've seen nationally to mislead voters locally and influence their vote based on misinformation and fear. The idea that a forever contract would even be sought or considered, let alone approved by our Town Council, is misguided and speculative.</p> <p>Some of us have been in Windsor longer than the 1996 competitive bid ordinance – and recognizing changing times in our community call for a change in policies surrounding waste collection services.</p> <p>Vote Yes to create the flexibility needed to improve waste collection services in the Town of Windsor.</p> <p>Vote Yes on Measure Q.</p> <p><a href="http://www.Windsor.vote">www.Windsor.vote</a></p> <p>s/ Mark Millan Former Mayor of Windsor</p> <p>s/ Jo M. Timmsen 32-yr Windsor Resident</p> <p>s/ Roberto Gomez Windsor Resident Since 1990</p> <p>s/ Linda L. Garth Windsor 32 year resident</p> <p>s/ Bruce G Okrepkie Former Mayor of Windsor</p>



# Local Ballot Measure: Q

## Full Text of Measure Q

The Waste Collection Services Act of 2024

The People of the Town of Windsor ordain as follows:

### SECTION 1. Title

This ordinance shall be known as the Waste Collection Services Act of 2024.

### SECTION 2. Findings

The people of the Town of Windsor ordain as follows:

- (a) Under California Public Resources Code Sections 49300 and 40059(a), the Town Council is authorized to enter into contracts for waste collection and disposal and may determine the collection, transportation, service, fees, nature, location, and extent of solid waste handling services, and whether a franchise or contract for solid waste handling should be competitively bid.
- (b) In 1996, the Town enacted via ballot initiative the "Refuse, Recycling and Composting Competitive Bid Ordinance," which subjected all Town recycling, solid waste, and green collection programs to a competitive bid process, and an agreement length of no more than 10 years.
- (c) California's waste management rules and obligations have grown increasingly complex since the passage of the 1996 ballot initiative, thereby increasing the compliance burdens on waste management companies seeking to contract with the Town.
- (d) In 2011, Assembly Bill 341 was passed, requiring specified commercial businesses and multi-family property owners to arrange for recycling services and the Town to implement a commercial recycling program.
- (e) In 2014, Assembly Bill 1826 was passed, requiring specified commercial businesses and multi-family property owners to arrange for recycling services and required the Town to implement a commercial organic waste recycling program.
- (f) In 2020, California adopted regulations implementing Senate Bill 1383, which require the Town to support achievement of statewide organic waste disposal reduction targets and adopt an ordinance or other enforceable mechanism to implement Senate Bill 1383 regulations.
- (g) In 2021, the Town adopted Ordinance No. 2021-358, to bring the Town's municipal code in compliance with Senate Bill 1383's regulations.
- (h) Solid waste management companies seeking to contract with the Town have had to make significant investments to expand their infrastructure and services, in order to maintain compliance with California's increasingly complex waste management rules.
- (i) A 10-year franchise for solid waste collection services may not be economically viable for waste management companies that have made long term infrastructure investments to secure compliance with California's waste management regulations.
- (j) The Town's competitive bid mandate and 10-year agreement limit may discourage waste management companies from seeking to contract with the Town, which could reduce the number of waste management companies willing to franchise with the Town and threaten the overall quality of waste collection services in the Town.
- (k) The Town Council needs more discretion to determine the type of bidding process that applies to contracts with waste management companies, and the duration of such contracts, in order to adapt to the increasing amount of time and investment companies must expend to maintain compliance with California's waste management regulations.

- (l) Because the "Refuse, Recycling and Composting Competitive Bid Ordinance" was enacted by initiative, a vote of the People of the Town of Windsor is required to change these requirements.

### SECTION 3. Statement of Purpose

The purpose of this measure is to repeal the Refuse, Recycling and Composting Competitive Bid Ordinance and provide the Town with the flexibility necessary to successfully negotiate waste management franchises, in order to maximize the quality of solid waste collection services available to Town residents.

SECTION 4. Section 11-1-300 of Title XI, Chapter 1, Article 3 of the Town of Windsor is repealed.

SECTION 5. Section 11-1-300 to Title XI, Chapter 1, Article 3 of the Town of Windsor is added to read as follows:

#### **11-1-300–Town Council Authority to Contract for Solid Waste Collection Services**

- a. The Town Council, pursuant to the authority granted by California Public Resources Code Section 49300 and 40059 and considering the public health, safety, and well-being of the Town, shall determine whether solid waste collection services, recycling, green waste collection services or similar services shall be provided through a competitive bidding process.
- b. The Town Council shall also have the discretion to determine the duration of any agreement entered into relative to the subjects specified in subsection (a) of this section.

SECTION 6. Section 11-1-305 in Title XI, Chapter 1, Article 3 of the Town of Windsor is amended to read as follows:

#### **11-1-305 – Exclusive Solid Waste Collection Services Franchise**

- a. The Town may grant an exclusive franchise for solid waste collection services ~~for a period not to exceed ten (10) years~~ in accordance with the provisions of this title. The franchise shall be evidenced by a written exclusive franchise agreement approved by the Town Council. The agreement shall contain such terms and conditions as required by this Section and any additional terms and conditions as are determined by the Town Council to be in the best interests of the Town.
- b. The exclusive franchisee shall be required to furnish a surety bond as specified in the agreement conditioned upon the faithful performance of the agreement and the provisions of this title. The agreement shall provide the exclusive franchisee with the sole and exclusive right to provide solid waste collection services in the Town.
- c. The exclusive franchise agreement shall require the exclusive franchisee to procure and maintain for the period covered by the proposed franchise agreement general liability insurance, automobile insurance, and workers' compensation insurance.
- d. Notwithstanding subsection (b) of this section, the Town Council, upon the written request of any public agency, may by motion authorize the public agency to contract for its own solid waste collection services; provided, however, that such services shall comply with all the requirements of this title.
- e. The Town's exclusive franchisee providing organic waste collection services to generators within the Town's boundaries shall meet the following requirements and standards as a condition of approval of the exclusive franchise agreement with the Town to collect organic waste:



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## Full Text of Measure Q (Continued)

1. Through written notice to the Town annually on or before February 1, identify the facilities to which they will transport organic waste including facilities for source separated recyclable materials and source separated organic waste.
2. Transport source separated recyclable materials and source separated organic waste to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
3. Obtain approval from the Town to haul organic waste, unless it is transporting source separated organic waste to a community composting site or lawfully transporting construction and demolition in a manner that complies with 14 CCR Section 18989.1.
- f. The Town's exclusive franchisee with authorization to collect organic waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with Town.

SECTION 7. Section 11-1-315 in Title XI, Chapter 1, Article 3 of the Town of Windsor is amended to read as follows:

**11-1-315 – Non-Exclusive Franchise- Temporary Construction and Demolition Debris Collection Services**

- a. The Town may grant one (1) or more non-exclusive franchises for temporary construction and demolition debris collection services for a period not to exceed ten (10) years each in accordance with the provisions of this title. Each franchise shall be evidenced by a written non-exclusive franchise agreement approved by the Town Council. The agreement shall contain such terms and conditions as required by this section and any additional terms and conditions as are determined by the Town Council to be in the best interests of the Town.
- b. Each non-exclusive franchise agreement shall require the non-exclusive franchisee to provide temporary construction and demolition debris collection services in the Town, in the manner provided in this title. Each non-exclusive franchisee shall be required to furnish a surety bond as specified in the agreement conditioned upon the faithful performance of the agreement and the provisions of this title. The agreement shall grant the non-exclusive franchisee the non-exclusive right to provide temporary construction and demolition debris collection services in the Town.
- c. Each non-exclusive franchise agreement shall require the non-exclusive franchisee to procure and maintain for the period covered by the proposed franchise agreement general liability insurance, automobile insurance, and workers' compensation insurance.
- d. Notwithstanding subsection (b) of this section, the Town Council, upon the written request of any public agency, may by motion authorize the public agency to contract for its own temporary construction and demolition debris collection services; provided, however, that such services shall comply with the provisions of this title.
- e. The Town's non-exclusive franchisee(s) providing organic waste collection services to generators within the Town's boundaries shall meet the following requirements and standards as a condition of approval of the non-exclusive franchise agreement with the Town to collect organic waste:
  1. Through written notice to the Town annually on or before February 1, identify the facilities to which they will transport organic waste including facilities for source separated recyclable materials and source separated organic waste.
  2. Transport source separated recyclable materials and source separated organic waste to a facility, operation, activity, or property that recovers organic waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
  3. Obtain approval from the Town to haul organic waste, unless it is transporting source separated organic waste to a community composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1.
- f. The Town's non-exclusive franchisee with authorization to collect organic waste shall comply with education, equipment, signage,

container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into with Town.

SECTION 8. Section 1-6-115 in Title I, Chapter 6, Article 1 of the Municipal Code of the Town of Windsor is amended to read as follows:

**1-6-115 – Exception to Competitive Bidding**

Conditions which constitute sufficient cause to dispense with the requirements of Sections 1-6 100 and 1-6-105 are:

- a. Contracts involving acquisition of professional or expert services, such as, but not limited to, services rendered by architects, attorneys, engineers, and other specialized consultants;
- b. Products or services which can be provided by only one (1) supplier or only from one (1) source due to a patent or copyright;
- c. Contracts for advertising, ordinary travel expense items, subscription to publications;
- d. Situations where no bids have been received following bid announcements or all bids received exceed budget appropriations or cost estimates;
- e. Emergency conditions which require that an order be placed with the most expedient source of supply;
- f. Products or services for which other public agencies have gone through a competitive bidding process and are able to have the bid prices they received extended to the Town of Windsor. These "cooperative purchasing" or "piggyback purchasing" agreements may satisfy the competitive bidding requirement and the Purchasing Agent does not need to solicit additional bids;
- g. Non-exclusive franchise agreements for the provision of solid waste collection services recycling, or green waste collection services;
- h. Partially exclusive or wholly exclusive franchise agreements for the provision of solid waste collection services, recycling, or green waste collection services where the Town Council determines that public health, safety, and well-being requires a partially or wholly exclusive franchise;
- g-i. Items exempt by law.

SECTION 9. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provisions or applications. To that end, the provisions of this Ordinance are declared to be severable. It is the intent of the voters that this Ordinance would have been enacted regardless of whether any invalid provision had been included or any invalid application had been made.

SECTION 10. Liberal Construction

This measure is an exercise of the initiative power of the People of the Town of Windsor to repeal the Refuse, Recycling and Composting Competitive Bid Ordinance, and it shall be liberally construed to effectuate these purposes.

SECTION 11. Amendments

The provisions of this Ordinance may be amended by a majority vote of the Town Council or upon approval by the voters of the Town of Windsor.

SECTION 12. Conflicting Measures

This measure is intended to be comprehensive. It is the intent of the People of the Town of Windsor that, in the event this measure and one or more measures relating to the Refuse, Recycling and Composting Competitive Bid Ordinance shall appear on the same ballot, the provisions of the other measure or measures shall be deemed in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.