

RESOLUTION NO. 19-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE
AUTHORIZING THE EXTENSION OF THE TERM OF THE COLLECTION SERVICE
AGREEMENT BETWEEN THE CITY OF EMERYVILLE AND WASTE MANAGEMENT
OF ALAMEDA COUNTY, INC. FOR AN ADDITIONAL FIVE (5) YEARS FROM
JANUARY 1, 2021 TO DECEMBER 31, 2025**

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989 (“Act”) and subsequent additions and amendments (codified at California Public Resources Code Section 40000 et seq.) has declared that it is in the public interest to authorize and require local agencies to make adequate provisions for Solid Waste Management within the jurisdiction; and

WHEREAS, On December 21, 2010 the City Council approved Resolution No. 10-204 authorizing a Franchise Agreement with Waste Management of Alameda County, Inc. (WMAC) for Solid Waste Collection and Diversion Services (Agreement) for a term starting February 1, 2011 and ending December 31, 2020; and

WHEREAS, said Agreement was executed on February 1, 2011 to provide for the collection, transportation, recycling, composting and/ or disposal of solid waste, including, but not limited to, the frequency and means of such collection, transportation, recycling, composting and/or disposal, and the charges and fees therefore be provided by contract for the public health, safety and well-being; and

WHEREAS, Section 5.01.1 of the Agreement gives the City the option to extend the term of the Agreement for an additional five (5) years provided the City determines WMAC has met the minimum diversion requirements set forth in Article 13 of the Agreement; and

WHEREAS, Article 13 of the Agreement requires that no more than 8,000 tons of material shall be sent to landfill by December 31, 2020; and

WHEREAS, in December 2018 the City engaged HF&H Consultants, LLC to conduct a Performance and Billing Review of the Agreement that included verifying the tonnage sent to disposal, which was 7,884 tons in 2017, less than the 8,000 set forth in Article 13 of the Agreement; and

WHEREAS, the Agreement requires the City to make its offer to extend the Agreement for five-years (5) no later than seventeen (17) months prior or August 1, 2019, to the termination date; and

WHEREAS, it is in the best interest of the residents and businesses of Emeryville to continue the Agreement and favorable rates, reliable service, and materials diversion from the landfill they experience for an additional five years; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby authorizes the extension of the Agreement for five (5) years from January 1, 2021 through December 31, 2025; and, be it, further

RESOLVED, that the City Council of the City of Emeryville authorizes the City Manager to:

1. Send notice to WMAC of the City's intent to exercise its option to extend the Agreement, and
2. Execute the necessary documents for the extension of the Agreement.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, March 19, 2019, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY