

RESOLUTION NO. 20-_____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Execute, With Adjusted Terms, An Extension Of The Collection Service Agreement For Solid Waste Services Executed Between The City Of Emeryville And Waste Management Of Alameda County, Inc., Dated February 1, 2011 For An Additional Ten (10) Years From January 1, 2021 To December 31, 2030

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, a review of the Agreement performed in 2019 by HF&H Consultants, LLC determined that WMAC met the requirement in Article 13 of the Agreement that no more than 8,000 tons of material shall be sent to landfill by December 31, 2020, thereby enabling the City to exercise its option to extend the term of the Agreement for up to two additional five (5) year periods; and

WHEREAS, on March 19, 2019, the City Council directed the City Manager to send notice to WMAC of the City's intent to exercise its option to extend the Agreement and to execute the necessary documents for the extension of the Agreement; and

WHEREAS, WMAC and the City have negotiated the terms of a ten (10) year extension to the Agreement as set forth in Exhibit A; and

WHEREAS, it is in the best interest of the residents and businesses of Emeryville to continue to receive favorable rates, reliable service, and materials diversion from the landfill; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville that the City Council of the City of Emeryville authorizes the City Manager to execute the necessary documents for the extension of the Agreement with adjusted terms as set forth in Exhibit A attached hereto.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, February 4, 2020, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY