

RESOLUTION NO. 2011 - 102

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK
RESCINDING RESOLUTION NO. 2011-88, WHICH AWARDED A FRANCHISE
AGREEMENT FOR EXCLUSIVE TEMPORARY DEBRIS BOX AND ROLL-OFF
COLLECTION SERVICES TO ROHNERT PARK DISPOSAL, INC.**

WHEREAS, under the Integrated Waste Management Act (Act), codified at Public Resources Code 40000 *et seq.*, the City of Rohnert Park has the authority to award a nonexclusive, partially exclusive or wholly exclusive franchise, contract, license, or permit for solid waste collection services pursuant to Public Resources Code section 40059;

WHEREAS, Rohnert Park Municipal Code sections 8.12.200 and 8.12.210 require that waste collection services be provided by contract and exclude any other haulers from providing waste hauling services within city limits during the contract period, thereby requiring all waste collection be provided pursuant to an exclusive right;

WHEREAS, the existing exclusive franchise agreements for temporary debris box services have been extended several times and expire on October 31, 2011;

WHEREAS, on June 28, 2011 the City Council directed the City Manager to solicit requests for proposal for single-provider and multiple-provider temporary debris box services;

WHEREAS, upon the recommendation of the City's consultant, staff and the Waste and Recycling Committee, the City Council considered all proposals at its regular meeting of September 13, 2011 along with public testimony, and adopted Resolution 2011-87, rejecting certain proposals and affirming others as responsive, and Resolution 2011-88, awarding an exclusive franchise agreement for temporary debris box and roll-off collection services ("Agreement") to a single-provider, Rohnert Park Disposal, Inc.;

WHEREAS, the City has done its part to obtain an executed copy of the Agreement by timely presenting Rohnert Park Disposal with the final terms of the Agreement, as directed by the City Council;

WHEREAS, Rohnert Park Disposal, Inc. had the final terms of the Agreement for several weeks but did not execute the Agreement;

WHEREAS, on October 18, 2011 the City Manager, who is charged with undertaking all actions necessary to execute the Agreement, sent a demand letter to Rohnert Park Disposal, Inc.'s representatives seeking execution of the agreement by October 19, 2011;

WHEREAS, Rohnert Park Disposal, Inc. did not meet the execution deadline and refused to execute the Agreement;

WHEREAS, October 25, 2011 is the last regular City Council meeting prior to the expiration of the existing exclusive franchise agreements;

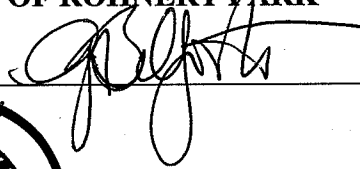
WHEREAS, due to Rohnert Park Disposal's actions the approval of the award has been rendered moot and the City Council now wishes to rescind Resolution No. 2011-88;

NOW, THEREFORE, BE IT RESOLVED the above-referenced recitals are true and correct and material to this Resolution.

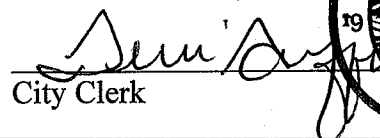
BE IT FURTHER RESOLVED, that the City Council does hereby set aside and rescind Resolution 2011-88, which awarded an exclusive temporary debris box and roll-off collection agreement to Rohnert Park Disposal, Inc. The award is declared null and void and shall be of no further force or effect.

DULY AND REGULARLY ADOPTED by the City Council of the City of Rohnert Park this 25th day of October, 2011.

CITY OF ROHNERT PARK



ATTEST:


City Clerk

AHANOTU: <u>AYE</u>	CALLINAN: <u>ABSENT</u>	MACKENZIE: <u>AYE</u>	STAFFORD: <u>AYE</u>	BELFORTE: <u>AYE</u>
AYES: (4)		NOES: (0)		ABSENT: (1) ABSTAIN: (0)