

RESOLUTION NO. 2011 - 103

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK
AUTHORIZING THE ADOPTION OF SHORT-TERM AGREEMENTS WITH
EXISTING HAULERS**

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 requires that waste collection services be provided by contract and excludes 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, pursuant to Resolution No. 2001-234 the City Council awarded exclusive debris box service franchises to Empire Waste Management, Industrial Carting, and Rohnert Park Disposal, Inc.,

WHEREAS, Empire Waste Management ceased doing business in Rohnert Park;

WHEREAS, the existing exclusive multiple-provider franchise agreements for temporary debris box services with Industrial Carting and Rohnert Park Disposal, Inc. have been extended several times and expire on October 31, 2011;

WHEREAS, the exclusive multiple-provider franchise agreements with the existing haulers allow them to operate to the exclusion of all other haulers so their continuation rights under Section 49520 of the Act are limited to the unexpired term of the contract;

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

WHEREAS, on September 13, 2011 the City Council awarded a responsive proposer, Rohnert Park Disposal, Inc., a single-provider exclusive franchise agreement for temporary debris box and roll-off collection services pursuant to Resolution 2011-88;

WHEREAS, on October 25, 2011 the City Council rescinded Resolution 2011-88 by adopting Resolution 2011-102 because Rohnert Park Disposal, Inc. refused to execute the agreement;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, the City Council wishes to maintain the temporary debris box services on a short-term basis until such time as the City has negotiated exclusive franchise agreement(s) for temporary debris box and roll-off collection services that benefits the City and its residents; and

WHEREAS, the City proposes to maintain debris box services by allowing the existing exclusive multiple-provider contracts to expire and entering into new agreements with the existing haulers for a period not to exceed 60 days upon substantially similar terms to the existing agreements.

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 hereby finds that Rohnert Park Disposal, Inc. and Industrial Carting currently provide and are qualified to provide temporary debris box services.

BE IT FURTHER RESOLVED, that in making its findings the City Council relied upon and hereby incorporates by reference the staff report, the Notice of Exemption, attachments and other evidence presented to the City Council.

BE IT FURTHER RESOLVED, that pursuant to its police powers and the authority granted in Public Resources Code sections 40059 and 49300, the City Council hereby (a) allows the existing agreements to expire at then end of the term on October 31, 2011, after which time they shall be of no further force and effect and (b) awards new, short-term franchise agreements for exclusive multiple-provider temporary debris box and roll-off collection services to Rohnert Park Disposal, Inc. and Industrial Carting upon substantially similar terms and conditions as set forth in the existing Agreement, a copy of which is attached to the staff report as Attachment A.

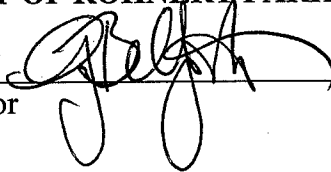
BE IT FURTHER RESOLVED, that the City Manager is hereby charged with and directed to undertake all actions necessary to execute the short-term agreements on behalf of the City of Rohnert Park:

BE IT FURTHER RESOLVED, that the City Council hereby finds that the activity taken by the City Council is exempt from the California Environmental Quality Act (CEQA) for the reasons set forth in the staff report, and directs City staff to file a Notice of Exemption.

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

CITY OF ROHNERT PARK

Mayor



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)	