

**RESOLUTION NO. 2011 - 104**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK  
REJECTING ALL PROPOSALS AND DIRECTING THE CITY MANAGER TO  
NEGOTIATE AGREEMENT(S) FOR TEMPORARY DEBRIS BOX SERVICES ON  
THE OPEN MARKET AND BRING BACK RECOMMENDED AGREEMENT(S) TO  
THE CITY COUNCIL FOR APPROVAL**

**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 multiple-provider 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 proposals (RFPs) for both 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 single-provider franchise agreement for temporary debris box and roll-off collection services ("Agreement") to Rohnert Park Disposal, Inc.;

**WHEREAS**, on October 25, 2011 the City Council rescinded that action by Resolution No. 2011-102 because Rohnert Park Disposal, Inc. refused to execute the franchise agreement;

**WHEREAS**, on October 25, 2011 the City Council also authorized new short-term multiple-provider exclusive agreements with the existing haulers pursuant to Resolution 2011-103 in order to maintain the existing level of service;

**WHEREAS**, neither the Act nor the Rohnert Park Municipal Code prescribe any particular method for the City to award a franchise agreement; and

**WHEREAS**, City Council wishes to discontinue the RFP process which was initiated on June 28, 2011, reject all proposals received, and instead direct the City Manager to negotiate agreement(s) for temporary debris box services on the open market and bring back a recommended agreement(s) to the City Council for approval:

**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 reject all proposals received pursuant to the RFP process which was initiated on June 28, 2011 and hereby renders said proposals to be of no further force or effect.

**BE IT FURTHER RESOLVED**, that during the life of the short-term agreements approved by Resolution No. 2011-103, the City Manager is hereby authorized and directed to negotiate long-term exclusive franchise agreement(s) on the open market.

**BE IT FURTHER RESOLVED**, prior to the expiration of the short-term agreements, the City Manager shall bring back recommended agreement(s) to the City Council for their consideration and approval.

**DULY AND REGULARLY ADOPTED** by the City Council of the City of Rohnert Park this 25<sup>th</sup> day of October, 2011.

**CITY OF ROHNERT PARK**

**ATTEST:**

*[Signature]*  
City Clerk



*[Signature]*

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)	