

RESOLUTION NO. 22-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FRANCHISE AGREEMENT WITH WASTE MANAGEMENT OF ALAMEDA COUNTY FOR SOLID WASTE, RECYCLABLE MATERIALS AND ORGANIC MATERIALS SERVICES

WHEREAS, Ordinance 15-04, adopted by Council on January 27, 2015, granted an exclusive franchise to Waste Management of Alameda County (WMAC) for solid waste, recyclable materials and organic materials services and the exclusive franchise remains in effect until canceled; and

WHEREAS, WMAC is currently providing residents and businesses with Solid Waste Collection and Disposal services, as well as Collection and Processing of Recyclable Materials and Organic Materials in the City, pursuant to a January 27, 2015 Franchise Agreement; and

WHEREAS, the current agreement commenced March 1, 2015, and was scheduled to expire March 1, 2022, however, on January 18, 2022, Council extended the contract so that it is now scheduled to expire on March 1, 2023; and

WHEREAS, the current agreement allows the City to extend the agreement for two additional 12-month periods and if extended the maximum numbers of times, the agreement would expire March 1, 2025; and

WHEREAS, on June 23, 2020, Council approved a period of exclusive negotiations with WMAC through October 31, 2020 and subsequently approved extensions, the most recent being on January 18, 2022, when the exclusive negotiating period was extended to June 30, 2022; and

WHEREAS, the parties wish to amend the current Franchise Agreement in its entirety and enter into a new agreement with a Commencement Date of March 1, 2023, in order to allow the City to better meet the needs of City rate payers, and to meet the goals and requirements of SB1383, the California Integrated Waste Management Act (AB 939) and California Jobs and Recycling Act (AB 341) (California Public Resources Code §§ 40000, et seq.), Alameda County Waste Reduction and Recycling Initiative Charter Amendment (Measure D), and the City's own goals; and

WHEREAS, upon the Commencement Date of the new Agreement, all terms contemplated under the Agreement will supersede all prior agreements between the parties; and

WHEREAS, the Legislature of the State of California, by enactment of AB 939 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 Collection within their jurisdiction; and

WHEREAS, the State of California has found and declared that the amount of Solid Waste generated in California, coupled with diminishing landfill space and potential adverse environmental impacts from landfilling and the need to conserve natural resources, have created an urgent need for State and local agencies to enact and implement an aggressive integrated waste management program. The State has, through enactment of various regulations, directed the responsible State agency, and all local agencies, to promote Disposal Site Diversion and to maximize the use of feasible Solid Waste reduction, re-use, Recycling, and Composting options in order to reduce the amount of Solid Waste that must be Disposed of in Disposal sites; and

WHEREAS, under the City's Municipal Code, the City has the authority to provide for the Collection and Disposal of Solid Waste, through a contract with a solid waste collection provider; and

WHEREAS, pursuant to California Public Resources Code Section 40059(a) as may be amended from time to time, the City has determined that the public health, safety, and well-being require that a qualified contractor provide for the Collection of Solid Waste, Recyclable Materials, Organic Materials, and Construction and Demolition Debris, and other services (except for Collection of materials excluded in the City's Municipal Code) related to meeting the Diversion goals established by AB 341 and AB 939, as they may be amended from time to time; and

WHEREAS, the City has negotiated a tentative agreement with WMAC in an effort to provide high quality services to Hayward customers, minimize rate increases, and achieve compliance with local, state, federal and international laws.

NOW BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute on behalf of the City of Hayward a franchise agreement with Waste Management of Alameda County.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward