

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Richard Doyle
City Attorney

SUBJECT: SEE BELOW

DATE: 2/21/2020

SUPPLEMENTAL

SUBJECT: ACTIONS RELATED TO THE COMMERCIAL SOLID WASTE AGREEMENTS AND CONFORMANCE OF THE ORDINANCES GRANTING THE FRANCHISES TO THE TERM OF THE AMENDED AND RESTATED FRANCHISES AGREEMENT WITH ALLIED.

REASON FOR SUPPLEMENTAL

To revise the recommended actions related to the amended and restated franchises agreement with Allied Waste Services of North America, LLC dba Allied Waste Services of Santa Clara County ("Allied") to add two additional actions:

(c) Approval of an ordinance amending Ordinance No. 28936, the Commercial Solid Waste and Recyclable Material Collection Franchise for the South District to Allied Waste Services of North America, LLC dba Allied Waste Services of Santa Clara County to conform its term to the amended and restated franchises agreement; and

(d) Approval of an ordinance amending Ordinance No. 28937, the Commercial Solid Waste and Recyclable Material Collection Franchise for the North District to Allied Waste Services of North America, LLC dba Allied Waste Services of Santa Clara County to conform its term to the amended and restated franchises agreement.

BACKGROUND

The City's Agreement with Allied is governed under an exclusive franchise pursuant to Ordinance Nos. 28936 and 28397 for the South District and North District, respectively.

One of the recommended actions being proposed to the City Council is to authorize the City Manager to negotiate and execute amended and restated agreements with Allied to make changes to the Commercial Solid Waste system and to extend the term of the agreement by five additional years

February 21, 2020

Subject: Actions Related to The Commercial Solid Waste Agreements

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ANALYSIS

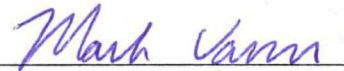
In order to implement the proposed changes to the agreements with Allied, the ordinances granting the Franchises to Allied must likewise be amended to conform their term, which currently expires June 30, 2027, to the extended term of the executed amended and restated franchises agreement. These actions were omitted from the recommendation language on the agenda when first posted. The proposed ordinances were posted to the agenda webpage for this meeting on February 21, 2020.

Should Council authorize the City Manager to negotiate and execute the amended and restated agreement with Allied, it will specify that the extension of the term to June 30, 2032 is contingent on the ordinances becoming effective.

RICHARD DOYLE

City Attorney

By



Mark J. Vanni

Deputy City Attorney

cc: David Sykes

For questions please contact Mark J. Vanni, Deputy City Attorney, at (408) 535-1997