

RESOLUTION NO. 06-1414

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS ESTABLISHING A CAP ON RATES TO BE CHARGED BY USA WASTE OF CALIFORNIA, INC. TO CERTAIN RESIDENTIAL AND COMMERCIAL CUSTOMERS WHOSE ACCOUNTS WILL BE SOLD AND TRANSFERRED BY CONSOLIDATED DISPOSAL SERVICE, LLC TO USA WASTE OF CALIFORNIA, INC.

RECITALS

A. By Resolution No. 06-1413, the City Council has authorized a proposed sale and transfer by Consolidated Disposal Service, LLC (“Consolidated”) to USA Waste of California, Inc. (“USA Waste”) of Consolidated’s residential accounts and commercial bin accounts within the City.

B. In accordance with Section 5314 of the Agoura Hills Municipal Code, the City Council is authorized, by resolution, to establish rates and categories of rates to be charged for the collection of solid waste to residential owners and commercial business owners by any franchised collector.

C. The City Council desires to facilitate an orderly transition in solid waste collection services from Consolidated to USA Waste and to minimize any adverse financial impacts to residential owners and commercial business owners that may be attributable to disparities in the rates charged by these two solid waste enterprises at the time the sale and transfer of accounts is consummated.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS RESOLVES AS FOLLOWS:

Section 1. Upon the closing of the transaction between Consolidated and USA Waste that is authorized by Resolution No. 06-1413, the rates authorized to be charged by USA Waste to all residential owners and commercial business owners whose accounts are acquired by USA Waste shall not exceed those in effect upon the closing date. Subject to the provisions of Section 2 below, these rates will be in effect for a period of six months from and after the closing date.

Section 2. Notwithstanding the six-month period specified above in Section 1, the City and USA Waste may, during that six-month period, negotiate a mutually-acceptable rate schedule applicable to those residential owners and commercial business owners whose accounts are acquired from Consolidated by USA Waste, which rate schedule, and the time for its implementation, will be subject to the prior approval of the City Council.

Section 3. Any failure or refusal by USA Waste to comply with the provisions of Section 1 shall constitute grounds for the suspension or revocation of the Agreement for

Residential Solid Waste and Recyclable Materials Collection Services, or of the Commercial Waste Hauler's Permit, or both.

Section 4. The City Clerk is directed to transmit a certified copy of this resolution to the following person:

Mr. Michael E. Smith
Market Area Manager
Waste Management, Inc.
195 W. Los Angeles Avenue
Simi Valley, CA 93065

Section 5. The City Clerk is directed to certify the passage and adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this 26th day of April, 2006, by the following vote:

AYES: ()
NOES: ()
ABSTAIN: ()
ABSENT: ()

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

Craig Steele, City Attorney