

**RESOLUTION NO. 06-1413**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS AUTHORIZING (1) THE TERMINATION OF AN AGREEMENT FOR RESIDENTIAL SOLID WASTE AND RECYCLABLE MATERIALS COLLECTION SERVICES WITH CONSOLIDATED DISPOSAL SERVICE, LLC; (2) THE DELETION OF COMMERCIAL BIN ACCOUNTS FROM THE SCOPE OF SERVICES AUTHORIZED BY THE 2006 COMMERCIAL WASTE HAULER'S PERMIT ISSUED TO CONSOLIDATED DISPOSAL SERVICE, LLC; AND (3) THE PROVISIONS OF A TRANSITION PLAN SUBMITTED BY USA WASTE OF CALIFORNIA, INC. RELATING TO THE ASSUMPTION OF RESIDENTIAL SOLID WASTE AND RECYCLABLE MATERIALS COLLECTION SERVICES AND OF COMMERCIAL BIN ACCOUNTS**

RECITALS

A. Consolidated Disposal Service, LLC, ("CDS"), previously known as Las Virgenes Disposal Company, is a wholly-owned subsidiary of Republic Services, Inc. and is the authorized nonexclusive franchisee under an Agreement for Residential Solid Waste and Recyclable Materials Collection Services dated November 17, 1993, as thereafter amended. CDS is also an authorized permittee under a Commercial Waste Hauler's Permit issued by the City for calendar year 2006.

B. USA Waste of California, Inc. ("USA Waste") is a wholly-owned subsidiary of Waste Management, Inc. and is the successor-in-interest to G.I. Rubbish, which was the original nonexclusive franchisee under an Agreement for Residential Solid Waste and Recyclable Materials Collection Services dated November 17, 1993, as thereafter amended. USA Waste is also performing services under a Commercial Waste Hauler's Permit that was issued by the City to its parent company, Waste Management, Inc., for calendar year 2006.

C. By letter dated March 29, 2006, CDS and USA Waste notified the City that they had entered into an agreement providing for the sale and transfer to USA Waste of CDS' residential accounts in the City and CDS' commercial bin accounts in the City. The consummation of this transaction is subject to the prior authorization of the City.

D. A Termination Agreement between the City and CDS has been drafted in connection with the cessation of services under, and the ultimate termination of, the Agreement for Residential Solid Waste and Recyclable Materials Collection Services dated November 17, 1993, as thereafter amended. A copy of this Termination Agreement is attached as Exhibit A to this resolution.

E. City has requested and received from USA Waste a Transition Plan that sets forth obligations to be fulfilled by USA Waste in connection with the assumption of CDS' residential accounts and commercial bin accounts in the City. A copy of this Transition Plan is attached as Exhibit B to this resolution.

F. City staff has reviewed the Residential Solid Waste Franchise Agreements and commercial permits referenced above in paragraphs (A) and (B), and has determined that the public health, welfare, and safety will be protected by requiring that CDS execute the Termination Agreement described above in paragraph (D) of these recitals and that USA Waste adhere to the Transition Plan related to the consummation of the transaction described above in paragraph (C) of these recitals.

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

Section 1. The City Council consents to and approves the proposed sale and transfer by CDS to USA Waste of CDS' residential accounts and commercial bin accounts in the City, which consent and approval is subject to the following requirements:

(a) Within 10 days after the adoption of this resolution, CDS will execute and file in the office of the City Clerk the Termination Agreement in substantially the form attached as Exhibit A to this resolution. The Mayor is authorized to execute this agreement and thereby evidence the written consent of the City to the transactions therein described.

(b) The Mayor is authorized to sign on behalf of the City an acceptance of the Transition Plan that has been submitted by USA Waste and is attached as Exhibit B to this resolution.

Section 2. The City Clerk is directed to transmit a certified copy of this resolution to the following persons:

Consolidated Disposal Service  
Mr. James Castro  
General Manager  
21524 Nordoff Street  
Chatsworth, CA 91311

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

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Section 3. The City Clerk is directed to certify to the passage and adoption of this resolution.

PASSED, APPROVED, AND ADOPTED this 26<sup>th</sup> day of April, 2006.

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Denis Weber, Mayor

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

ATTEST:

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Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

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Craig Steele, City Attorney