

RESOLUTION NO. 07-1445

A RESOLUTION OF THE COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA APPROVING THE FRANCHISE AGREEMENT FOR INTEGRATED RESIDENTIAL WASTE MANAGEMENT SERVICES BETWEEN THE CITY OF AGOURA HILLS AND G.I. INDUSTRIES, INC., A UTAH CORPORATION AND USA WASTE OF CALIFORNIA, INC., A DELAWARE CORPORATION, A WASTE MANAGEMENT COMPANY, AND ESTABLISHING LIMITATIONS ON THE RATES THAT MAY BE CHARGED

A. Recitals.

- (i) The City of Agoura Hills (“City”) and G.I. Industries, Inc., a Utah Corporation and USA Waste Of California, Inc., a Delaware Corporation, a Waste Management Company (“GI/USA”), desire to enter into a franchise agreement for the provision of integrated residential waste management services with the City of Agoura Hills (the “Agreement”).
- (ii) The Agreement includes limitations on the rates that GI/USA may charge for services provided pursuant to the Agreement.
- (iii) The City and Hillside Rubbish Company, GI/USA’s predecessor-in-interest, entered into that certain Agreement for Residential Solid Waste and Recyclable Materials Collection Services dated November 17, 1993, which was subsequently amended on September 6, 1995, and further amended on December 18, 2000, which agreement expires on December 1, 2007.
- (iv) The City Council considered this matter on May 23, 2007 in the City Council Chambers in the course of a regularly scheduled City Council meeting. After receiving all written and oral testimony and deliberating on such evidence, this City Council has concluded that the Agreement will ensure that the reasonable and necessary levels of service are maintained, and permit a fair cost for the users of such services and a reasonable rate for the service provider.
- (v) All prerequisites to the adoption of this resolution have occurred as required.

B. Resolution.

NOW, THEREFORE, the City Council of the City of Agoura Hills does hereby find, determine and resolve as follows:

Section 1. This City Council finds as true and adopts as findings the information set forth in Part A, Recitals, of this Resolution. The agenda report to the City Council dated May 23, 2007 is hereby incorporated to this Resolution by reference and adopted as findings.

Section 2. This City Council finds that the California Environmental Quality Act of 1970, as amended, (“CEQA”) does not apply to the adoption of this Resolution, pursuant to the general exception for projects that do not have the potential for causing a significant effect on the environment, as set forth in Section 15061 of Article 18 of chapter 3 of Title 14 of the California Code of Regulations.

Section 3. The City Council hereby approves the Franchise Agreement For Integrated Residential Waste Management Services Between The City Of Agoura Hills And G.I. Industries, Inc., a Utah Corporation, and USA Waste Of California, Inc., a Delaware Corporation, a Waste Management Company, in the form attached to the staff report that accompanied this item, including the limitations on the rates that GI/USA may charge, as set forth in Exhibit 1 to the Agreement.

Section 4. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 23rd day of May, 2007, by the following vote, to wit:

AYES: (5) Kuperberg, Edelston, Koehler, Schwarz, Weber
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

Dan Kuperberg, Mayor

ATTEST:

Kimberly M. Rodrigues, CMC
City Clerk