

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

ORDINANCE APPROVING FRANCHISE AGREEMENT BETWEEN
CITY OF ALAMEDA AND ALAMEDA COUNTY INDUSTRIES AR, INC.

WHEREAS, Section 21-20.1 of the Alameda Municipal Code authorizes the City Council of the City of Alameda to enter into franchise agreements for the collection, processing and/or disposal of solid waste, recyclable materials, and organic materials collection from residential and commercial premises; and

WHEREAS, the City of Alameda ("City") is currently a party to a franchise agreement with Alameda County Industries AR, Inc. ("ACI") that provides for the collection, transportation and processing of the City's municipal solid waste, recycling and organics; and

WHEREAS, the current franchise agreement with ACI expires in October 2022; and

WHEREAS, on February 18, 2020, the City Council approved a two-step procurement process in which sole source negotiations would be initiated with ACI; and

WHEREAS, City staff has negotiated with ACI the terms of a new franchise agreement and such an agreement has been presented to the Council at its May 4, 2021 meeting; and

WHEREAS, Charter Section 3-10 requires all grants of franchises to be established by Ordinance; and

WHEREAS, the City Council is familiar with the contents of this Franchise Agreement; and

WHEREAS, it is in the public interest that said agreement be entered into.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMEDA that:

Section 1. The Franchise Agreement between the City of Alameda and Alameda County Industries AR, Inc. that has been presented to the City Council at its May 4, 2021 meeting and attached to this Ordinance is hereby approved. The franchise hereby granted by the City authorizes ACI, subject to all of the terms and conditions contained in this Ordinance, the Franchise Agreement, the Alameda Municipal Code, and all applicable local, state and federal law, rules and regulation, to provide collection, processing and/or disposal of solid waste, recyclable materials, and organic materials collection from residential and commercial premises within the City.

Section 2. The City Manager of the City of Alameda or his designee is hereby authorized to execute, for and on behalf of the City of Alameda, the Franchise Agreement between the City of Alameda and Alameda County Industries AR, Inc., substantially consistent with the attached Franchise Agreement and approved above, for the collection, transportation and processing of solid waste, recyclable materials and organic materials, and the City Clerk is hereby authorized and directed to attest to the same.

Section 3. Any provision of the Alameda Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 4. If any section, subsection, sentence, clause or phrase of this ordinance if, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council of the City of Alameda hereby declares that it would have passed this ordinance, and each section, subsections, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared to be invalid and unconstitutional.

Section 5. This ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the ____ day of _____ 2021, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this ____ day of _____ 2021.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Yibin Shen, City Attorney
City of Alameda