

RESOLUTION 17- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CLARITA, CALIFORNIA, ADOPTING THE FIFTH AMENDMENT OF THE AMENDED AND RESTATED AGREEMENT BETWEEN THE CITY OF SANTA CLARITA AND BURRTEC WASTE INDUSTRIES, INC. (BURRTEC), FOR COMMERCIAL SOLID WASTE MANAGEMENT SERVICES

WHEREAS, the City of Santa Clarita (City) is empowered under Section 7 of Article 11 of the California Constitution to make and enforce, within its limits, all police and sanitary ordinances and regulations not in conflict with general laws; and

WHEREAS, in partial implementation of Section 7 of Article 11 of the California Constitution, California Public Resources Code Section 40059 authorizes the City to determine all aspects of handling of solid waste that are of local concern, including the frequency of collection, means of collection and transportation, level of services and nature, location, and extent of waste handling services; and

WHEREAS, on November 20, 2003, the City and Burrtec Waste Industries, Inc. (Burrtec), entered into that certain "Agreement Between the City of Santa Clarita and Burrtec Waste Industries, Inc., for Commercial Solid Waste Management Services"; and

WHEREAS, on May 24, 2011, the City Council directed staff to execute an Amended and Restated Agreement (Agreement) with Burrtec; and

WHEREAS, pursuant to Section 6.3 of the Agreement, Burrtec is entitled to pursue an annual adjustment to its maximum rates for the rate year commencing on July 1, 2017, to June 30, 2018; and

WHEREAS, AB 1826 requires that jurisdictions implement an organics recycling program for businesses, that includes education, outreach, and monitoring activities and reporting annually to CalRecycle; and

WHEREAS, the City and Burrtec desire to amend the Agreement by increasing the maximum rates as outlined in Sections 6.3 and 6.4 of the Agreement.

NOW, THEREFORE, the City Council of the City of Santa Clarita does hereby resolve as follows:

SECTION 1. That the above recitals are all true and correct.

SECTION 2. The "Fifth Amendment of the Amended and Restated Agreement Between the City of Santa Clarita and Burrtec Waste Industries, Inc., for Commercial Solid Waste Management Services" (Fifth Amendment), a copy of which is attached hereto is hereby approved. The City Manager is authorized to execute the Fifth Amendment on behalf of the City.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 23rd day of May 2017.

MAYOR

ATTEST:

CITY CLERK

DATE: _____

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SANTA CLARITA)

I, Mary Cusick, City Clerk of the City of Santa Clarita, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Santa Clarita at a regular meeting thereof, held on the 23rd day of May 2017, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

CITY CLERK

FIFTH AMENDMENT OF THE
AMENDED AND RESTATED AGREEMENT
BETWEEN THE CITY OF SANTA CLARITA AND
BURRTEC WASTE INDUSTRIES, INC., FOR COMMERCIAL SOLID
WASTE MANAGEMENT SERVICES

This FIFTH AMENDMENT OF THE AMENDED AND RESTATED AGREEMENT BETWEEN THE CITY OF SANTA CLARITA AND BURRTEC WASTE INDUSTRIES, INC., FOR COMMERCIAL SOLID WASTE MANAGEMENT SERVICES, (Fifth Amendment) is entered into this _____ day of _____ 2017, between the City of Santa Clarita, California, a California municipal corporation (City) and Burrtec Waste Industries Inc., a California corporation (Burrtec) to amend that certain “Amended and Restated Agreement Between the City of Santa Clarita and Burrtec Waste Industries, Inc., for Commercial Solid Waste Management Services.”

WHEREAS, the City is empowered under Section 7 of Article 11 of the California Constitution to make and enforce, within its limits, all police and sanitary ordinances and regulations not in conflict with general laws; and

WHEREAS, in partial implementation of Section 7 of Article 11 of the California Constitution, California Public Resources Code Section 40059 authorizes the City to determine all aspects of handling of solid waste that are of local concern, including the frequency of collection, means of collection and transportation, level of services and nature, location, and extent of waste handling services; and

WHEREAS, on November 20, 2003, the City and Burrtec Waste Industries, Inc. entered into that certain “Agreement Between the City of Santa Clarita and Burrtec Waste Industries, Inc. for Commercial Solid Waste Management Services”(Agreement); and

WHEREAS, on May 24, 2011, the City Council directed staff to execute an Agreement with Burrtec; and

WHEREAS, pursuant to Section 6.3 of the Agreement, Burrtec is entitled to pursue an annual adjustment to its maximum rates for the rate year commencing on July 1, 2017; and

WHEREAS, AB 1826 requires that jurisdictions implement an organics recycling program for businesses, that includes education, outreach, and monitoring activities and reporting annually to CalRecycle; and

WHEREAS, the City and Burrtec desire to amend the Agreement by adjusting the maximum rates as outlined in Section 6.3 and 6.6 of the Agreement.

NOW, THEREFORE, the City and Burrtec in consideration of their mutual promises, amend the Agreement as follows:

SECTION 1. Exhibit 2 of the Amended and Restated Agreement shall be amended to contain the following maximum rates commencing July 1, 2017:

EXHIBIT 2

Container Size	Number of Weekly Pickups					
	1	2	3	4	5	6
32-gal Cart	\$46.45	\$83.65	\$139.39	\$185.84	\$232.33	\$278.80
90-gal Cart	\$51.97	\$93.54	\$155.90	\$207.88	\$259.87	\$311.84
1.5 yd ³	\$72.67	\$141.70	\$210.74	\$279.04	\$347.31	\$415.64
2 yd ³	\$75.61	\$147.43	\$219.25	\$290.36	\$361.40	\$432.49
3 yd ³	\$82.69	\$161.22	\$239.78	\$317.53	\$395.23	\$472.99
4 yd ³	\$103.89	\$202.61	\$301.31	\$398.97	\$496.65	\$594.30
6 yd ³	\$132.89	\$259.09	\$385.34	\$510.22	\$635.11	\$760.02

Container Size	Number of Weekly Green Waste Pickups					
	1	2	3	4	5	6
3 yd ³	\$62.02	\$120.92	\$179.84	\$238.15	\$296.42	\$354.74

Container Size	Number of Weekly Organic Waste Pickups					
	1	2	3	4	5	6
65-gal Cart	\$98.90	\$183.94	\$296.78	\$395.69	\$494.63	\$593.58
1.5 yd ³	\$165.34	\$325.19	\$485.09	\$643.89	\$802.62	\$961.41
2 yd ³	\$190.26	\$375.02	\$559.83	\$743.56	\$927.20	\$1,110.91

Special Services	Costs
Locking Bin	\$12.82 per bin per month
Commercial Bulky Item Pickup	\$25.64 per item
Additional Bin Cleanings	\$44.88 per cleaning
Extra Bin Empties	\$44.88 per bin
Extra Trash Cart Empties	\$31.76 per barrel
Extra Compactor Pick-Up	\$63.67 per compactor
Compactor Rates	2x comparable bin rate
Late Fees	1.5% per month
Emergency Services	\$88.78 per hour

SECTION 2. Except as expressly modified in this Fifth Amendment, all other provisions of the Agreement are and remain in effect.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF SANTA CLARITA
A California Municipal Corporation

Kenneth W. Striplin
City Manager

ATTEST:

Mary Cusick
City Clerk

APPROVED AS TO FORM:

Joseph Montes
City Attorney

BURRTEC WASTE INDUSTRIES, INC.

By: _____
[CEO, President, Chairman of the Board or any Vice President]

And By: _____
[The Secretary, any assistant secretary, CFO or any assistant treasurer]

State of California)
County of _____)

On _____ before me, _____,
Date Here Insert Name and Title of the Officer

Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal Above

Signature _____
Signature of Notary Republic