

RESOLUTION NO. 2020-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA, APPROVING THE SECOND AMENDMENT TO THE SOLID WASTE, RECYCLABLE, AND GREEN WASTE MATERIALS COLLECTION, PROCESSING, AND DISPOSAL FRANCHISE AGREEMENT

WHEREAS, the City and Arekelian Enterprises, Inc., dba Athens Services ("Athens") entered into that certain Agreement for Solid Waste, Recyclable, and Green Waste Materials Collection, Processing, and Disposal dated December 10, 2008 (the "Agreement");

WHEREAS, City and Contractor further desired to amend the Agreement to include certain additional City/community enhancements for an extension of the existing term of the Agreement and adjustment of solid waste collection rates by executing the First Amendment on May 12, 2014.

WHEREAS, Subsequent to the Effective Date of the First Amendment, in 2014, the State of California enacted Assembly Bill (AB) 1594. Among other things, AB 1594 amended Public Resources Code Section 41781.3, mandating that as of January 1, 2020, the use of green waste as alternative daily cover (ADC) at landfills will no longer constitute diversion through recycling and will instead be considered disposal for purpose of measuring a jurisdiction's annual diversion rate.

WHEREAS, Contractor delivers green waste collected from the City's customers to the Mid-Valley Landfill in San Bernardino County for use as ADC. The San Bernardino County Landfills have historically accepted the green waste for use as ADC at a cost that is less than the cost of composting facilities. Consequently, the City has determined that with the elimination of diversion credit for ADC, and the negative impact this will have on the City's diversion rate, an alternative final disposition for the City's green waste is necessary.

WHEREAS, Contractor has been delivering the green waste collected from residential premises within the City under the Agreement to Contractor owned American Organics facility in the City of Victorville since January 1, 2020.

WHEREAS, since 2008 Athens has provided the City and its residents with professional, dependable, and high quality waste hauling services and in order to maintain compliance with AB 1594, the City Council finds that the proposed Second Amendment in the best interest of the City;

WHEREAS, to ensure compliance with AB 1594 and be mindful of the additional costs incurred by Contractor for the composting of green waste, the City Council desires to decrease the Minimum Recycling Requirements included in the First Amendment to the Agreement to offset these costs.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bell Gardens as follows:

SECTION 1. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. Based on the above recitals, staff report, and such oral and written evidence, the City Council hereby finds that subsequent to the effective AB 1594 mandate, the use of green waste as alternative daily cover (ADC) at landfills will no longer constitute diversion through recycling and an alternative final disposition for the City's green waste is necessary, the approval of the Second Amendment is in the best interest of the City to ensure compliance.

SECTION 3. In lieu of any rate adjustment and continued costs to the Contractor, the City will decrease the Contractor's Minimum Recycling Requirements in Section 3.10.6 from 50% to 35%, reflecting an anticipated reduction in transformation of refuse and less intensive processing of residential mixed waste, but with continued composting of all green waste.

SECTION 4. The City Clerk shall attest and certify to the passage and adoption of this Resolution and enter it into the book of original resolutions, and it shall become effective immediately upon its approval.

PASSED, APPROVED and ADOPTED this 27th day of July, 2020.

THE CITY OF BELL GARDENS

Alejandra Cortez, Mayor

APPROVED AS TO FORM:

ATTEST:

Rick Olivarez
City Attorney

Jane Halstead
City Clerk