

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

**RESOLUTION NO. 2022-**

**RESOLUTION OF THE CITY OF SAN LEANDRO CITY COUNCIL  
AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF  
UNDERSTANDING WITH THE ORO LOMA SANITARY DISTRICT FOR REFUSE,  
GREEN WASTE AND RECYCLING SERVICES IN THE L3 AREA**

**WHEREAS**, the City of San Leandro (“City”) and the Oro Loma Sanitary District (“District”) wish to extend an existing mutual Agreement regarding refuse, recycling, and green waste services within the City, presently provided by the District through its franchise agreement with Waste Management of Alameda County (WMAC), by entering into a new Agreement. The District has designated the portion of the City that receives residential, commercial, and industrial refuse, recycling, and green waste services by WMAC as the "L-3" area; and

**WHEREAS**, the City and District desire to enter into this Agreement to provide for the terms of service and the continuation of the franchise fee for the privilege of providing refuse services in the L-3 area; and

**WHEREAS**, this Agreement will represent the entire and integrated Agreement between the City and District and, except as expressly set forth herein, will supersede all prior negotiations, representations, agreements or approvals, either written or oral; and

**WHEREAS**, State law requires the City to be responsible for establishing and monitoring recycling programs to achieve defined goals for reducing the amount of refuse material that is placed in landfills. The City has the legal responsibility for recycling activities, in order to comply with the provisions of state laws AB 939, AB 341, AB 1826, and SB 1383. The City authorized the District to provide a recycling program in the L-3 area until August 31, 2024; WMAC presently provides this service for residents and businesses as part of its refuse franchise agreement with the District. The District is currently negotiating a new exclusive franchise agreement with WMAC for refuse, recycling, and green waste service for an anticipated term of January 1, 2023 to December 31, 2037; and

**WHEREAS**, the District wants to continue to provide refuse, recycling, and green waste services in the L-3 area whether through an exclusive franchise with WMAC or another service provider; and

**WHEREAS**, the City has the legal authority pursuant to its City Charter and the provisions of Chapter 5-5 of the San Leandro Municipal Code to require payment of a franchise fee for the privilege of providing refuse collection services within the L-3 area.

**NOW, THEREFORE**, the City Council of the City of San Leandro does **RESOLVE** as follows:

1. That said agreement substantially in the form presented is hereby approved and execution by the City Manager is hereby authorized; and
2. That the City Manager is authorized to make non-substantial revisions to said agreement, subject to the approval of the City Attorney as to form; and

3. That an original executed agreement shall be attached to and made a part of this resolution.

Introduced by \_\_\_\_\_ and passed and adopted this 6<sup>th</sup> day of September 2022, by the following vote:

Members of the Council:

AYES:

NOES:

ABSENT:

ATTEST: \_\_\_\_\_  
Kelly B. Clancy, Acting City Clerk

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