

OAKLAND CITY COUNCIL

FILED
OFFICE OF THE CITY CLERK
OAKLAND

RESOLUTION NO. 77962 C.M.S.

A. Fisher
REVISED

2003 AUG -7 PM 2:14

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE THREATENED LITIGATION BY WASTE MANAGEMENT OF ALAMEDA COUNTY (WMAC) AGAINST THE CITY OF OAKLAND PURSUANT TO WHICH SERVICES TO OAKLAND RESIDENTS WILL BE INCREASED AND A RATE INCREASE WILL BE GRANTED

WHEREAS: the East Bay Regional Park District has agreed to improve the Bay Trail along the Tidewater;

WHEREAS: the Waste Management of Alameda County will increase pick ups around schools in each of the City Council districts;

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the threatened case of Waste Management of Alameda County vs. City of Oakland, by entering into a settlement agreement with WMAC which shall provide as follows:

- 1) Waste Management rate payers in the City of Oakland will begin paying the \$1.25 fee required by Alameda County Conditional Use Permit 5512 beginning July 1, 2003;
- 2) WMAC will absorb \$.25 of the \$1.25 total Alameda County mandated Conditional Use Permit 5512 fees for the entire past period of the implementation of said \$.25 fee. Such absorption will come to an end on July 1, 2003;
- 3) The \$1.00 portion of the county mandated fee, which would have been implemented by July 1, 2000, will be forgiven for the period July 1, 2000 to January 1, 2002;
- 4) Waste Management ratepayers in the City of Oakland will pay the \$1.00 portion of the county mandated \$1.25 fee for the period beginning January 1, 2002 and ending July 1, 2003. Payment of this sum will be amortized, without any interest charges, over the remaining balance of WMAC's residential refuse franchise agreement with the City of Oakland;
- 5) WMAC will implement an on-call bulky waste pick-up service within the City of Oakland effective upon resolution of this matter; and
- 6) WMAC will provide Saturday collection service along International Boulevard and Telegraph Avenue effective immediately upon resolution of this matter.

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 15 2003, 2003

PASSED BY THE FOLLOWING VOTE:

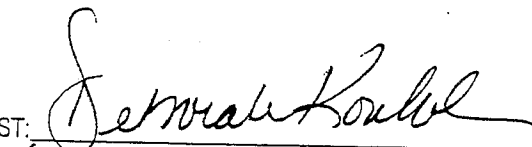
AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE -8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



for CEDA FLOYD

City Clerk and Clerk of the Council
of the City of Oakland, California

309013.1