RESOLUTION NUMBER R- 295859

ADOPTED ON ___ DEC 1 0 2001

WHEREAS, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989 (AB 939) (California Public Resources Code section 40000 et seq.), required jurisdictions to reduce the waste they landfill by 50 percent by the year 2000 against a 1990 base year, and maintain this diversion in following years; and

WHEREAS, the City operates many recycling and educational outreach programs to reach the goal established in AB 939, one of which includes the Miramar Recycling Center currently operated by Allan Company under a two-year contract with the City, which provides for three one-year extension options ("three-year evergreen clause"); and

WHEREAS, during the existing contract term, Allan Company spent $250,000 on permanent site improvements, spent 50 percent more than required on advertising, provided additional staffing, increased customer usage by 20 percent, increased material tonnages, and expanded recycling opportunities to small businesses; and

WHEREAS, in negotiations for exercising the first one-year extension option on its current contract with the City, Allan Company offered to pay increased rent, make many additional site improvements at its own expense, and provide additional services to both the City and the public in return for a five-year contract with a three-year evergreen clause; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is hereby authorized and empowered to execute, for and on behalf of the City, an agreement with the Allan Company for the operation of the Miramar Recycling Center for five years, under the

terms and conditions, including a three-year evergreen clause which could be exercised at the end of the second year and each year thereafter if agreed on by the parties and approved by the Council, set forth in the Agreement on file in the office of the City Clerk as Document Number

RR-_____295859_____

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to deposit revenues received under this Agreement in Fund No. 41210 - Recycling Fund.

APPROVED: CASEY GWINN, City Attorney

By _____Grace C. Lowenberg_____

Grace C. Lowenberg
Deputy City Attorney

GCL:mb
11/16/01
Aud.Cert:N/A
Or.Dept:ESD
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