

RESOLUTION NO.

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2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE,
3 CALIFORNIA, PROVIDING NOTICE TO CURRENT NON-EXCLUSIVE
4 COMMERCIAL SOLID WASTE COLLECTION SERVICE PROVIDERS
5 PURSUANT TO PUBLIC RESOURCES CODE SECTION 49520 REGARDING
6 CONTINUATION SERVICES 5-YEAR PERIOD.

7 WHEREAS, the City of Riverside (“City”) is a community of about 314,998, ranked as the
8 12th most populous city in California, with projected annual growth of 0.51%. Currently, there are
9 63,484 Residential Solid Waste Accounts and 7,408 Commercial Accounts; and

10 WHEREAS, current solid waste collection services are provided through a combination of
11 City staff and franchise agreements; and

12 WHEREAS, City collection staff provide residential collection services for approximately
13 two thirds of the City’s residential customers; the remaining one third of residential customers are
14 currently serviced by Burrtec Waste Industries through an exclusive agreement, which expires on
15 June 30, 2023; and

16 WHEREAS, commercial collection service is provided through non-exclusive agreements
17 with Burrtec Waste Industries, Arakelian Enterprises dba Athens Services, and CR&R
18 Environmental Services (“Commercial Contractors”). These agreements have been in place since
19 2001 and are set to expire on June 30, 2023; and

20 WHEREAS, Public Resources Code section 40059 provides that a City may determine that
21 aspects of solid waste handling are a matter of local concern and that the City may contract for
22 such services with or without use of a competitive bidding process. Section 40059 further provides
23 that the governing body of a local government agency may by resolution or ordinance, prescribe
24 terms and conditions upon which authority to provide solid waste handling services may be
25 granted; and

26 WHEREAS, Riverside Municipal Code (“RMC”) section 6.04.050 provides that no
27 persons, firm or corporation, other than one of the City authorized solid waste haulers acting
28 pursuant to their contract with the City, shall collect residential solid waste, recyclable or organic
recyclable material within the City; and

1 WHEREAS, RMC section 6.06.030 provides that no persons, firm or corporation, other
2 than one of the City authorized solid waste haulers acting pursuant to their contract with the City,
3 shall collect commercial solid waste, recyclable or organic recyclable material within the City; and

4 WHEREAS, on August 18, 2022, the City issued RFP No. 2219, soliciting qualified
5 vendors to submit proposals for Residential and Commercial Garbage, Recyclable Material, and
6 Organic Waste Collection Services; and

7 WHEREAS, after evaluating responsive proposals, City staff determined that Arakelian
8 Enterprises dba Athens Services (“Athens Services”) submitted the highest scoring proposal for
9 both residential and commercial services; and

10 WHEREAS, it is the intent of the City to award an exclusive franchise agreement to Athens
11 Services for residential and commercial collection services for a five-year term with options to
12 extend annually up to 15 years total, through June 30, 2028; and

13 WHEREAS, Public Resources Code section 49520 provides that certain existing solid
14 waste handling service providers may provide their services for a period of up-to five years
15 following notice of the City’s determination to transition to an exclusive waste service
16 arrangement; and

17 WHEREAS, the 5-year continuation period provided for in Public Resources Code section
18 49520, does not apply where services were previously provided through an exclusive agreement;
19 and;

20 WHEREAS, Public Resources Code section 49520 states that any solid waste enterprise
21 exercising rights of continued service is limited to “those services” previously authorized by
22 franchise, contract, license, or permit, such that the solid waste enterprise exercising said
23 continuation rights only holds such rights as to its pre-existing service accounts; and

24 WHEREAS, Public Resources Code section 49521 provides a solid waste enterprise
25 providing continuation services is subject to the following conditions: (a) The services of the solid
26 waste enterprise shall be in substantial compliance with the terms and conditions of the contract
27 and meet the quality and frequency of services required by the City; and (b) the solid waste
28 enterprise may be required to adhere to rates that are comparable to those established by the City.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Riverside as
2 follows:

3 Section 1: The recitals set forth above are all true and correct and are incorporated herein

4 Section 2: The City intends to award an exclusive franchise for Residential and
5 Commercial Solid Waste, Garbage, Recyclable Material, and Organic Waste Collection Services.

6 Section 3: Since the City presently uses non-exclusive agreements for Commercial Solid
7 Waste Collection Services, the present Commercial Contractors shall comply with Public
8 Resources Code section 49520 and 49521 for a period of five years ending June 30, 2028.

9 Section 4: Any Commercial Contractor providing continuation services in accordance with
10 section 49520 shall provide services to those existing accounts held as of June 30, 2023 and shall
11 provide services in accordance with the terms and conditions of their collection services
12 agreements with the City.

13 Section 5: The Commercial Contractor's right to provide continuation services shall be for
14 a period of five years ending June 30, 2028.

15 Section 6: Since the City's previous residential agreement was an exclusive agreement,
16 this resolution does not apply to residential services and as such there will be no right to
17 continuation services for Residential Solid Waste, Garbage, Recyclable Material, and Organic
18 Waste Collection Services.

19 Section 7: The City Manager, or designee, shall cause a copy of this resolution to be served
20 via certified mail to each of the current Commercial Contractors.

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ADOPTED by the City Council this _____ day of _____, 2023.

PATRICIA LOCK DAWSON
Mayor of the City of Riverside

Attest:

DONESIA GAUSE
City Clerk of the City of Riverside

I, Donesia Gause, City Clerk of the City of Riverside, California, hereby certify that the foregoing resolution was duly and regularly adopted at a meeting of the City Council of said City at its meeting held on the _____ day of _____, 2023, by the following vote, to wit:

- Ayes:
- Noes:
- Absent:
- Abstain:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Riverside, California, this _____ day of _____, 2023.

DONESIA GAUSE
City Clerk of the City of Riverside

CA 23-0306