

RESOLUTION NO. 74678

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ AUTHORIZING THE CITY MANAGER TO ALLOCATE FUNDS FROM THE SETTLEMENT AGREEMENT WITH BROWNING-FERRIS INDUSTRIES OF NORTH AMERICA, INC. AND ALLIED WASTE SERVICES OF NORTH AMERICA, LLC TO SEVERAL PUBLIC SCHOOL DISTRICTS UPON EACH DISTRICT EXECUTING WASTE REDUCTION AND RECYCLING COOPERATION AGREEMENTS WITH THE CITY

WHEREAS, the Council of the City of San José (“City Council”) adopted resolution 74639 on October 28, 2008, which authorized the City Attorney to execute a settlement agreement and release that provides for the payment to the City of San José (“City”) of franchise fees and AB 939 fees in a total amount of \$958,834 by Browning-Ferris Industries of North America, Inc. (“BFI”) and Allied Waste Services of North America, LLC (“AWS”); and

WHEREAS, the City Council also directed staff to reimburse the funds received from the settlement agreement to the five school districts that have the Waste Reduction and Recycling Cooperation Agreements (“WRRCA”) with the City; and

WHEREAS, the settlement agreement resolves a dispute between the City and BFI which arises out of unpaid franchise and AB 939 fees associated with solid waste collection service to school districts in San José; and

WHEREAS, the settlement agreement provides that BFI remit funds collected from various school districts and releases BFI from franchise fees due prior to December 31, 2007; and

WHEREAS, the City desires to allocate funds from the commercial solid waste fees settlement agreement to eligible public school districts executing Waste Reduction and Recycling Cooperation Agreements with the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ THAT:

The City Manager is hereby authorized to allocate funds resulting from the settlement agreement with Browning-Ferris Industries of North America, Inc. and Allied Waste Services of North America, LLC to the following public school districts upon each executing Waste Reduction and Recycling Cooperation Agreements with the City:

1. San José Unified School District in the amount of \$575,795;
2. Franklin-McKinley School District, in the amount of \$157,259;
3. Alum Rock Union School District, in the amount of \$150,972;
4. Cambrian School District, in the amount of \$63,210; and
5. Orchard School District, in the amount of \$11,598.

ADOPTED this 2nd day of December, 2008, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, CONSTANT, CORTESE,
LICCARDO, NGUYEN, OLIVERIO, PYLE, WILLIAMS;
REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk