

RESOLUTION NO. RES-2017-222

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE ASSIGNMENT AND ASSUMPTION AGREEMENT AND CONSENT TO ASSIGNMENT WITH NORTH BAY CORPORATION AND RECOLOGY SONOMA MARIN; WAIVER OF \$375,000 ASSIGNMENT FEE PAYABLE BY NORTH BAY CORPORATION UNDER COLLECTION SERVICES CONTRACT

WHEREAS, the City and North Bay Corporation are parties to the February 2010 Amended and Restated Collection Services Contract (Collection Services Contract) an exclusive franchise agreement for the collection of solid waste, organic waste and recyclable materials in the City; and

WHEREAS, the Collection Services Contract expires on December 31, 2017; and

WHEREAS, North Bay Corporation and its affiliated companies have entered into an agreement to sell substantially all of their assets, including the Collection Services Contract, to Recology, Inc. and its designated affiliates; and

WHEREAS, Article 34.01 of the Collection Services Contract states that the City must approve an assignment of the agreement and that North bay must pay a \$375,000 assignment/transfer fee to the City upon approval of the assignment; and

WHEREAS, on August 29, 2017, Recology Sonoma Marin was awarded a Solid Waste Collection Service Agreement for the collection of solid waste, organic waste and recyclable materials in the City, under which Recology will commence collection services on January 1, 2018; and

WHEREAS, the assignment of the Collection Services Contract and waiver of the assignment fee will facilitate the transition of collection services from North Bay to Recology Sonoma Marin.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa approves the Assignment and Assumption Agreement and Consent to Assignment with North Bay Corporation and Recology Sonoma Marin, attached to the Resolution as Exhibit A.

BE IT FURTHER RESOLVED that Exhibit A is made part of this Resolution.

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BE IT FURTHER RESOLVED that the \$375,000 assignment/transfer fee set forth in Article 34.01 of the February 2010 Amended and Restated Collection Services Contract is waived.

IN COUNCIL DULY PASSED this 14th day of November, 2017.

AYES: (7) Mayor Coursey, Vice Mayor Tibbetts, Council Members Combs, Olivares, Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Exhibit A - Assignment and Assumption Agreement and Consent to Assignment with North Bay Corporation and Recology Sonoma Marin