

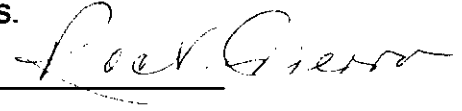
FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2004 JUL -8 PM 7:05

**OAKLAND CITY COUNCIL**

RESOLUTION NO. 78743 C. M. S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_



**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH CALIFORNIA WASTE SOLUTIONS IN THE AMOUNT OF \$109,405 TO PAY FOR THE CLOSEOUT OF CWS' 1992 RESIDENTIAL RECYCLING AGREEMENT AND FOR BOTH PARTIES TO INDEMNIFY EACH OTHER FOR ANY CLAIMS RESULTING FROM THE PROVISION OF RESIDENTIAL RECYCLING SERVICES FOR THE PERIOD OF SEPTEMBER 9, 1992 THROUGH MAY 4, 2004**

**WHEREAS**, the City of Oakland (City) and California Waste Solutions (CWS) entered into and Agreement for Residential Recycling Services for Sector A in the City on September 23, 1992, which expired on December 31, 1997; and

**WHEREAS**, on June 23, 1997 CWS was assigned by Karl's Recycling Service/Pacific Rim Recycling the Residential Recycling Service Agreement for Sector B in the City dated September 9, 1992, which expired on December 31, 1997; and

**WHEREAS**, the City and CWS entered into an Agreement for Residential Recycling Services dated July 15, 1997 for the period from January 1, 1998 through December 31, 2004; and

**WHEREAS**, the aforementioned agreements, as amended, shall collectively be termed "Recycling Agreements"; and

**WHEREAS**, the City and CWS desire to resolve any and all issues, claims, demands, actions, causes of actions, and damages either party may have against the other relating to or arising out of the Recycling Agreements from September 9, 1992 through and including May 4, 2004; and

**WHEREAS**, CWS will accept \$109,405 as complete and full satisfaction for any and all outstanding issues, claims, demands, actions, causes of actions, and damages, relating to or arising from the Recycling Agreements from September 9, 1992 through and including May 4, 2004; and

**WHEREAS**, the City has funds available in the Public Works Agency budget, Fund 1710, Organization 30282, Account 54919 to pay CWS' closeout costs; now, therefore be it

**RESOLVED:** That the City Administrator is hereby authorized and directed to execute an Agreement with CWS in the amount of \$109,405 to resolve claims made by CWS from the closeout of the Agreements and for both parties to indemnify each other for any claims resulting from the provision of Residential Recycling Services for the period from September 9, 1992 through and including May 4, 2004; and be it

**FURTHER RESOLVED:** That the City Administrator is further authorized and directed to take whatever steps may be necessary to effect said resolution of closeout claims.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 20 2004, 2004

**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   
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California