

1 [Amendment to Refuse Collection Agreement at Treasure Island]

2

3 **Resolution approving an amendment to the refuse collection agreement between the**
4 **Treasure Island Development Authority and Golden Gate Disposal and Recycling**
5 **Company to extend the term and adjust the collection fee for refuse collection services**
6 **at Treasure Island.**

7

8 WHEREAS, Former Naval Station Treasure Island is a military base located on
9 Treasure Island and Yerba Buena Island (together, the "Base"), which is currently owned by
10 the United States of America (the "Navy"); and,

11 WHEREAS, The Base was selected for closure and disposition by the Base
12 Realignment and Closure Commission in 1993, acting under Public Law 101-510, and its
13 subsequent amendments; and,

14 WHEREAS, On May 2, 1997, the Board of Supervisors passed Resolution No. 380-97,
15 authorizing the Mayor's Treasure Island Project Office to establish a nonprofit public benefit
16 corporation known as the Treasure Island Development Authority (the "Authority") to act as a
17 single entity focused on the planning, redevelopment, reconstruction, rehabilitation, reuse and
18 conversion of the Base for the public interest, convenience, welfare and common benefit of
19 the inhabitants of the City and County of San Francisco; and,

20 WHEREAS, The Board of Supervisors rescinded designation of the Authority as the
21 redevelopment agency for Treasure Island under California Community Redevelopment Law
22 in Resolution No. 11-12; and that such rescission does not affect Authority's status as the
23 Local Redevelopment Authority for Treasure Island or the tidelands trust trustee for the
24 portions of Treasure Island subject to the tidelands trust, or any of the other powers or
25 authority; and

1 WHEREAS, Under the Act and the Authority's Articles of Incorporation and Bylaws, the
2 Authority, acting by and through its Board of Directors (the "Board"), has the power, subject to
3 applicable laws, to enter into agreements or contracts for the procurement of goods and
4 services related to the activities and purposes of the Authority; and,

5 WHEREAS, Golden Gate Disposal and Recycling Company, a California corporation
6 ("Golden Gate"), and the Authority have entered into that certain Refuse Collection
7 Agreement (as amended from time to time, the "Agreement") dated September 1, 2002; and,

8 WHEREAS, The Authority has approved extensions to the Agreement and the current
9 term expires on the earlier of (i) the transfer of the Base to the Authority or (ii) July 31, 2012;
10 and,

11 WHEREAS, Transfer of the Base from the Navy to the Authority should occur in the
12 next 12 to 18 months; and,

13 WHEREAS, Upon transfer of the Base to the Authority, the City and County of San
14 Francisco's refuse collection routes likely will be expanded to include Treasure Island and
15 Yerba Buena Island, whereupon, the City's refuse collection permit holder will have the
16 obligation to collect refuse on Treasure Island and Yerba Buena Island; and,

17 WHEREAS, Golden Gate and its sister company, Sunset Scavenger, both subsidiaries
18 of Recology, Inc., are the current permit holder for refuse collection services in the City and
19 County of San Francisco; and,

20 WHEREAS, The Collection Fee is one of the components in the formula for calculating
21 the Billing Rate under Section 37 of the Agreement; and,

22 WHEREAS, Contractor has requested a rate adjustment in the Collection Fee in
23 accordance with the change in the Consumer Price Index since the prior adjustment of the
24 Collection Fee in May 2010; and,

1 WHEREAS, The Consumer Price Index increased 3.57% between May 2010 and May
2 2011, which, in accord with Section 37 of the Agreement, would result in an increase in the
3 Collection Fee from \$12.67 to \$13.12 per yard (\$8.75 per 32-gallon container), resulting in an
4 increase in the billing rate to customers from \$23.47 to \$23.77per 32-gallon container: and,

5 WHEREAS, The Authority's contracts in excess of \$1,000,000 or 10 years require San
6 Francisco Board of Supervisors approval and this contract falls within that provision; now
7 therefore, be it

8 RESOLVED, That the Board of Supervisors hereby approves the Amendment and
9 authorizes the Director of Island Operations of the Authority or her designee to execute and
10 enter into the Amendment in substantially the form of the Eleventh Amendment to Refuse
11 Collection Agreement filed with the Clerk of the Board of Supervisors in File No.

12 120741 and any additions, amendments or other modifications to such
13 Amendment(including, without limitation, its exhibits) that the Director of Island Operations of
14 the Authority or her designee determines, in consultation with the City Attorney, are in the best
15 interests of the Authority and do not otherwise materially increase the obligations or liabilities
16 of the Authority, and are necessary or advisable to effectuate the purpose and intent of this
17 resolution.