



Meeting Date: 12/14/10

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other

Prepared By: Michelle Lee Johnson *MLJ* Agenda Item No. **I-20**

Reviewed By: City Manager *[Signature]* City Attorney *SMF* Finance *[Signature]* Public Works

DATE: December 2, 2010

TO: City Council

FROM: Rob Roshanian, *R.R.* Interim Public Works Director
Public Works

SUBJECT: Third Amendment to the Agreement with E-Recycling of California for E Waste Recycling and Disposal Services (Agreement No. 4359-08-PW)

RECOMMENDATION

That City Council approve and authorize the Mayor to execute a Third Amendment to the Agreement with E-Recycling of California to update the rate schedule (Agreement No. 4359-08-PW).

DISCUSSION

The City entered into the Agreement with E-Recycling of California on February 1, 2008, to provide electronic waste recycling services. The City had the option to extend the term of this agreement for two (2) additional one-year terms. A first amendment to the agreement was entered into on February 1, 2009, and a second amendment was entered into on February 1, 2010.

The Del Norte Regional Recycling and Transfer Station has been an approved participant in the E-Waste Recycling Payment Program since January 2004. The California Department of Resources Recycling and Recovery (CalRecycle), in collaboration with the California Department of Toxic Substances Control (DTSC), has approved the City's participation in the E-Waste Recycling Payment Program.

The Electronics Waste Recycling Act of 2003 provides State funding for e-waste service providers that allows cities and counties acting as collectors to cover the cost of their e-waste recycling programs. Additionally, E-Recycling of California markets the e-waste recycling materials, such as monitors, and rebates the City based on the unit's measure of weight. The State reduced the rebate amount to electronics recyclers and collectors in the fourth quarter of 2008. Other factors included the declining electronic commodities market that reduced by 70% in November 2008.

E-Recycling of California contacted staff and requested a rebate reduction on covered electronic waste (CEW) and a fee increase for processing Universal Electronic Waste (Other Electronic Waste). These

Third Amendment to the Trade Services Agreement with E-Recycling of California for E Waste Recycling and Disposal Services (Agreement No. 4359-08-PW)
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adjustments took effect November 15, 2008. These adjustments were necessary for E-Recycling to stay in environmental compliance and to maintain their outstanding service quality. This agreement has continued to be no cost and net revenue to the City. However, staff overlooked completing an appropriate amendment to the agreement's rate schedule. The last two fiscal years (FY 2008-09 and 2009-10) netted annually approximately \$34,000 in revenue rebates. The City's program has diverted over 380,490 pounds of e-waste in fiscal year 2009-10.

FINANCIAL IMPACT

Electronics commodity values have continued to decline since 2008. Staff is in the process of issuing a Request for Proposal (RFP) later this month. The RFP process will provide more up-to-date information about the current e-waste market. The goal is to keep this service at no cost to the ratepayers and receive revenue rebates based on the electronics commodity values. The current agreement expires January 31, 2011.

MLJ:JFD:vs

Attachment #1 - Third Amendment to Agreement No. 4359-08-PW

**THIRD AMENDMENT TO AGREEMENT
FOR E-WASTE RECYCLING AND DISPOSAL SERVICES**

This Third Amendment ("Third Amendment") to Agreement for E-Waste Recycling and Disposal Services ("Agreement") is made and entered into in the County of Ventura, State of California, this 14th day of December, 2010, by and between the City of Oxnard, a municipal corporation ("City"), and E-Recycling of California ("Vendor"). This Third Amendment amends the Agreement entered into on February 1, 2008, by City and E-Recycling of California. The Agreement previously has been amended on February 1, 2009, by a First Amendment, and on February 1, 2010, by a Second Amendment.

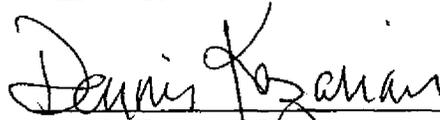
City and Vendor agree as follows:

1. Effective November 15, 2008, the table immediately following the RATE SCHEDULE heading of Exhibit A is replaced by the RATE SCHEDULE table in Exhibit A1, attached hereto and incorporated herein by reference.
2. As so amended, the Agreement remains in full force and effect.

CITY OF OXNARD

VENDOR

Dr. Thomas E. Holden, Mayor



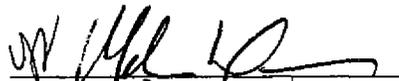
Dennis Kazarian, Vice-President
E-Recycling of California

APPROVED AS TO FORM:

APPROVED AS TO INSURANCE:



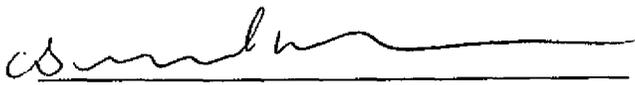
Alan Holmberg, City Attorney



James Cameron, Risk Manager

APPROVED AS TO CONTENT:

ATTEST:



Rob Roshanian, Interim Public Works Director

Daniel Martinez, City Clerk



Michelle Lee Johnson
Interim Environmental Resources Manager

EXHIBIT A1

RATE SCHEDULE

Effective November 15, 2008

Material Cost/Reimbursement			
Description	Unit	Cost/reimbursement Per Unit	Cost/reimbursement Per Pound
Working CRTs			\$.14 REBATE
Non-working CRTs			\$.14 REBATE
Universal E-Waste (see list below Exhibit B)			\$.10 per/lbs. FEE
Central Processing Units Must be separated			\$.10 per/lbs. REBATE
Labeling and Preparation for Transport			NO CHARGE
Loading and Transportation			NO CHARGE
Other Cost Containers			NO CHARGE
Other Cost Administration			NO CHARGE