

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL  
APPROVING, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND  
ADMINISTER, THAT CERTAIN CONSULTANT AGREEMENT WITH  
ALL CLEAN HAZARDOUS WASTE REMOVAL, INC.  
FOR ON-CALL EMERGENCY SPILL RESPONSE CLEANUP SERVICES**

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California (“City”), is authorized to enter into contracts and agreements for the benefit of the City; and

WHEREAS, the reasons supporting the entrance of the City into that certain agreement described in, and that is the subject of, this Resolution are set forth in detail in that certain City Council Staff Report entitled “Award Contract for On-Call Emergency Spill Response Cleanup Services” submitted for City Council consideration at its meeting of May 18, 2016, submitted to the City Council by the City Manager (the “Staff Report”), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which meeting the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL  
DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:**

Section 1.     Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2.     Approval and Authorization. The City Council does further resolve, order and/or direct as follows:

- a. That the agreement for on-call emergency spill response cleanup services is hereby awarded to All Clean Hazardous Waste Removal, Inc.

- b. That the Consultant Agreement with All Clean Hazardous Waste Removal, Inc. for On-Call Emergency Spill Response Cleanup Services for three years, substantially in the form attached hereto as Exhibit A and incorporated herein by this reference (the “Agreement”), is hereby approved; and
- c. That the City Manager is hereby delegated authority to and is authorized and directed to execute the Agreement substantially in the form attached hereto as Exhibit A; provided, specifically, that the total amounts to be paid by City under the Agreement shall in no event exceed three hundred thousand dollars (\$300,000.00) for the initial term of Agreement, nor shall payment exceed one hundred thousand dollars (100,000.00) per year; and
- d. That the City Manager is hereby authorized to extend the term of the Agreement for a maximum period of one additional year, so long as the Council previously has appropriated sufficient funds for that purpose and so long as the total amount to be paid to All Clean Hazardous Waste Removal, Inc., pursuant to and during the extension of the term of the Agreement does not exceed an additional one hundred thousand dollars (\$100,000.00) above the compensation for the initial term of the Agreement for a total of four hundred thousand dollars (\$400,000.00); and
- e. That the City Manager is hereby delegated authority to and is authorized to take all other ministerial actions that may be necessary or appropriate to implement the provisions of this Resolution.

Section 3. This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of the City of Morgan Hill at its meeting held on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_ by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**  
**COUNCIL MEMBERS:**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Steve Tate, MAYOR**

**∞ CERTIFICATION ∞**

I, **Michelle Wilson, Deputy City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No\_\_\_\_\_, adopted by the City Council at the meeting held on May 18, 2016.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Michelle Wilson, DEPUTY CITY CLERK**