

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
MEASURE EE**

This initiative measure amends Section 4333 of the Tustin City Code and requires the City Council, at least every ten years, to competitively bid contracts for the collection and disposal of solid waste and recyclable material according to rules and regulations adopted by the City Council designed to secure the best level of service at the lowest price practicable.

The current provisions of the Tustin City Code require the City Council, at least every seven years, to award solid waste contracts according to a specific provision of the Public Contracts Code which requires the Council to award contracts on the sole criteria of the lowest bidder but without regard or consideration of service levels, performance criteria, or the proposed contractor's ability to comply with state or local mandates. The initiative measure will allow the City Council to award a contract after considering the ability of a proposed contractor to provide the "best level of services" for the City's residents and customers "at the lowest price practicable" consistent with appropriate rules and regulations adopted by the City Council prior to the submission of bids and applicable to the evaluation of all potential contractors.

This initiative measure will also allow, but does not require, the City Council to extend the contract of the current solid waste contractor performing services as of the date this measure is adopted. The City Council, in its sole discretion, may extend this current contract for a period of up to three years for the purpose of accommodating the completion and implementation of the competitive process required under the measure. This would include the formulation of the rules and regulations necessary to ensure that the City's residents will receive the best level of service at the lowest price practicable, or, in the event the City Council selects a new contractor to provide services, to ensure a seamless transition between the current provider and the new provider. The measure also allows the City Council to impose reasonable or appropriate conditions on any such extension. An extension under this sentence of the initiative measure will apply solely to the contract in effect on the date this measure is adopted by the voters. Any extension under any future contract may only be granted if the total term of the contract, including any extension, does not exceed ten years.

Section 4333 was originally adopted by initiative approved by the voters of the City and therefore can only be amended by an affirmative vote of the voters. A "yes" vote on the proposed initiative measure will be a vote in favor of the amendment; a "no" vote will be a vote against the amendment.

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