Moab City Council Agenda Item  
Meeting Date: April 13, 2021

**Item:** A Resolution Consenting to the Assignment and Delegation of the Franchise Agreement Between the City of Moab and Monument Waste Services, LLC for Residential, Municipal and Commercial Solid Waste and Recycling Collection and Disposal to the Solid Waste Special Service District #1

**Staff Presenter:** Laurie Simonson, City Attorney

**Attachments:**

- Attachment 1: Franchise Agreement for Residential, Municipal and Commercial Solid Waste and Recycling Collection and Disposal Between the City of Moab and Monument Waste Services, LLC dated March 14, 2019;

- Attachment 2: March 23, 2021 Notice of Pending Acquisition and Transfer of Solid Waste and Recycling Collection Service Provider

- Attachment 3: Assignment and Assumption Agreement

- Attachment 4: March 29, 2021 Letter to the City from the Solid Waste Special Service District #1

- Attachment 5: Resolution 10-2021

**Proposed Motion:** “I move to consent to the assignment and delegation of the Franchise Agreement Between the City of Moab and Monument Waste Services, LLC for Residential, Municipal and Commercial Solid Waste and Recycling Collection and Disposal to the Solid Waste Special Service District #1.”

**Background:**

Pursuant to Moab Municipal Code §8.04.020, solid waste shall only be collected within the City limits by an approved contractor pursuant to the terms of a solid waste collection franchise agreement with the City.
Monument Waste Services, LLC (“Monument Waste”) currently provides the City of Moab with solid waste, recycling collection and disposal services pursuant to the Franchise Agreement for Residential, Municipal and Commercial Solid Waste and Recycling Collection and Disposal Between the City of Moab and Monument Waste Services, LLC (“Franchise Agreement”) dated March 14, 2019. (Attachment 1.)

On Friday, April 30, 2021, the Solid Waste Special Service District #1 (“District”) will acquire certain assets of Monument Waste including its solid waste and recycling collection services as well as its transfer station operations in Grand County and Moab, Utah. Effective Saturday, May 1, 2021, the District will begin providing route collection services and assume the operations of the solid waste transfer station located at 2295 South Highway 191, Moab, Utah 84532. (Attachments 2 and 4.)

The Franchise Agreement between the City of Moab and Monument Waste allows for assignment and delegation of the Agreement with the prior written consent of the City. Specifically, the Agreement at paragraph 10 states: “This Agreement is a contract for personal services. Accordingly, the Service Provider shall neither assign any responsibilities nor delegate any duties arising under the Agreement without the prior written consent of the City.” (Attachment 1 at page 4.) Monument Waste has provided the Assignment and Assumption agreement that will be signed on the acquisition date of April 30, 2021. (Attachment 3.)

Therefore, Resolution 10-2021 will serve as the prior written consent of the City as required by paragraph 10 of the Franchise Agreement. (Attachment 5.)