

IN RE:

CITY OF CARSON INTEGRATED SOLID
WASTE MANAGEMENT SERVICES

LEGISLATIVE SUBPOENA
(California Government Code §§ 37104 *et seq*)

Production Date

Date: April 16, 2018

Time: 1:00 p.m.

SUBPOENA FOR
PRODUCTION OF BUSINESS RECORDS

Place: City of Carson City Hall
701 E. Carson Street, Carson, California
90745

TO: USA Waste of California, Inc.

FROM: CITY OF CARSON, CALIFORNIA

1. On April 3, 2018, the Carson City Council adopted Resolution No. 18-046 authorizing the issuance of this subpoena. A copy of Resolution 18-046 is attached hereto and incorporated by this reference.

2. **YOU ARE ORDERED** by the City Council of the City of Carson to appear in person and produce Documents described in **Exhibit "1"** hereto at the Regular City Council Meeting of the City of Carson ("City") at 701 E. Carson Street, Carson, California 90745, on _____ **2018, at 6:00 p.m.** or at any continued Hearing.

3. **You are not required to appear in person and produce the requested Documents IF, by 1:00 p.m. on April 16, 2018, you deliver true, complete, legible, and durable copies of the requested Documents described in Exhibit "1" to:**

Kenneth C. Farfsing
City Manager
City of Carson
701 E. Carson Street
Carson, California 90745

4. All Documents produced to the City shall be accompanied by a declaration or affidavit warranting to their authenticity and completeness sufficient to meet the requirements of California Code of Civil Procedure § 2020.430. The City will pay all reasonable documented costs associated with photocopying the requested documents. If costs exceed \$500.00 please contact City Attorney Sunny K. Soltani at (949) 250-5407 before copying.

5. This subpoena is issued pursuant to California Government Code § 37104 *et seq*.

and authorized, at a regularly noticed meeting of the City of Carson City Council.

6. Disobedience of this subpoena will be referred to the Superior Court for enforcement and is punishable as contempt pursuant to California Government Code §§ 37104 *et seq* and as otherwise provided by law. Should you have any questions regarding this subpoena please contact:

Sunny K. Soltani (SBN 209774)
City Attorney for the City of Carson
Aleshire & Wynder, LLP
18881 Von Karman Avenue , Suite 1700
Irvine, CA 92612

Date issued: April __, 2018

City Council, City of Carson

BY: _____

Albert Robles
Mayor, City of Carson

ATTEST: _____

BY: _____

Donesia Gause
City Clerk, City of Carson

APPROVE AS TO FORM

BY: _____

Sunny K. Soltani
City Attorney

EXHIBIT "1"

DEFINITIONS

"DOCUMENT" or "DOCUMENTS" means all writings, originals and duplicates as defined in California Evidence Code Sections 250, 255, and 260;

"COMMUNICATIONS" as used herein means the transfer of information from one person or entity to another person or entity by any means, including, but not limited to, letter, electronic mail, or facsimile.

"AGREEMENTS" means a (1) Waste Management Commercial-Industrial Franchise Agreement, and (2) Waste Management Residential Franchise Agreement (collectively, the "Agreements") entered into by the City of Carson and USA Waste of California, Inc. which were reviewed, agreed upon, and executed by Waste's Vice President on July 17, 2003.

REQUESTED DOCUMENTS

1. Produce any and all DOCUMENTS, including but not limited to, requisitions, COMMUNICATIONS, memos, emails, books, text messages, records, invoices, cover sheets and electronic fund wiring confirmations related to the pending change in control from USA Waste of California, Inc. to Waste Resources, Inc. for collection of commercial and residential solid waste and recyclable materials in the City of Carson including, but not limited to:
 - ◆ a list of all residential and commercial accounts pertaining to the Agreements; and
 - ◆ a description of service levels and specifications for all residential and commercial accounts pertaining to the Agreements; and
 - ◆ a list of all route schedules for both residential and commercial services pertaining to the Agreements; and
 - ◆ a description of all route schedules for both residential and commercial services pertaining to the Agreements; and
 - ◆ a Transition Plan regarding "cart-and-bin pickup"; and
 - ◆ confirmation USA Waste of California, Inc. has finalized all outstanding refunds for residential and commercial customers; and
 - ◆ any outstanding final reports (i.e. quarterly reports); and
 - ◆ confirmation USA Waste of California, Inc. will complete, print, and distribute (including postage and mailing fees) a Spring newsletter notifying impacted City of Carson residents June 30, 2018 will be USA Waste of California, Inc.'s last

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pickup date; and

- ◆ confirmation USA Waste of California, Inc. will participate in a scheduled May 10, 2018 Cal Recycle Meeting conference call and complete all required information requests from the Cal Recycle Attachment USA Waste of California, Inc. regarding AB 341 and AB 1826; and
 - ◆ a list of events and workshops held by the City of Carson and USA Waste of California, Inc.; and
 - ◆ confirmation USA Waste of California, Inc.'s Customer Service will inform the City of Carson's residents and businesses about the USA Waste of California, Inc. and Waste Resources, Inc. transition process
2. Produce any and all DOCUMENTS relating in any way to Article 12, Sections 12.8 and 12.16 of the July 15, 2003 Franchise Agreement between the City of Carson and USA Waste of California, Inc. for Integrated Residential Waste Management Services
 3. Produce any and all DOCUMENTS relating in any way to Article 12, Sections 12.8 and 12.16 of the July 15, 2003 Franchise Agreement between the City of Carson and USA Waste of California, Inc. for Integrated Commercial and Industrial Waste Management Services.
 4. Produce any and all DOCUMENTS relating in any way to Carson Municipal Code section 5229.2 "Seamless Service Requirements" and current employment retention.
 5. Produce any and all Documents evidencing or relating in any way to including, but not limited to current DOCUMENTS related to the Agreements with regard to the following information:

Residential Customer Name:

Billing Address:

Unit Number

Zip Code:

Service Address:

Unit Number:

Zip Code:

Contact Name:

Contact Number:

Contact Email:

Senior Citizen (Yes or No) : or provide list of senior citizen services

Disabled Citizen or Special Needs List

Valet Service

Gate Access (locks/keys/codes)

Cart Information: Quantity and size of Trash Carts

Quantity and size of Recycle Carts

Quantity and size of Green Waste Carts and identify communities that do not have Green Waste Services

6. Produce any and all Documents evidencing or relating in any way to including, but not limited to current DOCUMENTS related to the Agreements with regard to the following information:

Commercial Customer Name:

Billing Address:

Unit Number

Zip Code:

Service Address:

Unit Number:

Zip Code:

Contact Name:

Contact Number:

Contact Email:

Scout Service

Gate Access (locks/keys/codes)

Bin and Cart IData: Quantity, size and current day(s) of service of **Trash** Bins and/or Carts

Quantity, size and current day(s) of service of **Organic** Bins

and/or Carts

Quantity, size and current day(s) of service of **Recyclable** Bins

and/or Carts

Bin Compactors: Quantity, size and current day(s) of service of **compactor** Bins

7. Produce any and all Documents evidencing or relating in any way to including, but not limited to current DOCUMENTS related to the Agreements with regard to the following information:

Roll Offs:

Customer Name:

Billing Address:

Unit Number

Zip Code:

Service Address:

Unit Number:

Zip Code:

Contact Name:

Contact Number:

Contact Email:

Gate Access (locks/keys/codes)

Roll Off Box Data: Quantity, size and current day(s) of service of **Trash** Roll Offs

Quantity, size and current day(s) of service of **Organic** Roll

Offs

Quantity, size and current day(s) of service of **Recyclables**

Roll Offs

Quantity, size and current day(s) of service of **C&D** Roll Offs

Roll Off Compactors: Quantity, size and current day(s) of service of Roll Off

compactor Boxes and ownership of compactor units and compactor boxes.

On Call or Scheduled Services

8. Produce any and all Documents evidencing or relating in any way to including, but not limited to current DOCUMENTS related to the Agreements with regard to the following information:

City of Carson Services:

What services does WM currently provide to the city facilities and parks including bus stops. Looking especially for container data inclusive of size type and service frequency.