

MEASURE L

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE L

On March 15, 2016, the City Council adopted Resolution No. 8532 awarding a solid waste disposal franchise agreement to Waste Management, Inc., for disposal services at the Guadalupe Landfill in San Jose. In compliance with the California Elections Code, the City Clerk received a petition for a referendum on Resolution No. 8532 and determined that the referendum obtained sufficient petition signatures to qualify for the ballot. Resolution No. 8532 was immediately suspended through the referendum process as required by the Elections Code. Resolution No. 8532 is the subject of Measure L.

A "yes" vote on Measure L will approve Resolution No. 8532 and award a solid waste disposal franchise agreement to Waste Management, Inc.

A "no" vote on Measure L will not approve Resolution No. 8532 and void the City Council's approval of awarding the solid waste disposal franchise agreement to Waste Management, Inc.

Measure L requires simple majority approval of the voters to pass.

The above statement is an impartial analysis of Measure L. If you desire a copy of the Measure, please call the elections official's office at (408) 586-3001 and a copy will be mailed at no cost to you.

/s/ Christopher J. Diaz
City Attorney

ARGUMENT IN FAVOR OF MEASURE L

A Yes vote will uphold the City Council's decision to select and contract with Waste Management Inc. for waste disposal services and no longer use Newby Island landfill. A Yes vote will also reduce the amount paid for garbage disposal and ensure access to long term competitive disposal rates.

After more than thirty years of contracting with Republic/Allied Waste Services for garbage disposal at Newby Island Landfill, the City of Milpitas conducted an open, competitive, fair and transparent bid process. Republic/Allied Waste Services did not submit a bid for disposal services and Waste Management Inc. was selected as the garbage disposal vendor for the City commencing in September, 2017.

Vote Yes on Measure L to protect your property rights and quality of life upholding the decision of the City Council. Republic/Allied Waste Services wants you to overturn the decision of the City Council to contract with Waste Management Inc. Don't be fooled by big corporate money.

You will still have the same service such as dump days near a transfer station in Fremont and all collection proposals under current City consideration offer nearby material drop-off options.

Vote Yes on Measure L to protect your property and quality of life. Since Republic/Allied Waste Services did not submit a bid for disposal they will not continue as the City's garbage disposal vendor, and they want you to overturn the decision of the City Council. Don't be fooled again. Vote Yes on Measure L and uphold the City Council's decision.

/s/ Jose S. Esteves
Mayor

/s/ Marsha Grilli
Councilmember

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE L

Vote No on Measure L. Every so often a City contract comes along that is so flawed and costly that it is difficult to understand the basis for the decision. Not only is Measure L exactly like that, but it's a prime example of poorly conceived bureaucratic decisions. Case in point: in just a matter of weeks, over 2,500 residents signed a referendum demanding this issue be brought before the voters for reconsideration.

The fact is, Measure L is a financial disaster for Milpitas and will saddle ratepayers with over \$10 million in hidden costs—and that is just the beginning.

Measure L is an attempt to masquerade a flawed and costly bidding process as a competitive bid. Bidding companies were prohibited from offering their lowest rates. How does that make sense?

After many years of tax increases, Milpitas residents can't afford to see their garbage rates spike and that's exactly what Measure L will do. It begins a process of higher costs for services, which will translate into higher rates paid by you. The City already raised water rates by 67%—enough is enough.

When it comes to contracts, Measure L is not what it appears and will have rate payers footing the bill for a flawed bidding process for years to come. Vote No on Measure L.

/s/ Rondi Jackson
Milpitas Resident

/s/ Thomas J. Valore
Milpitas Resident

/s/ William D. "Denny" Weisgerber
Former Milpitas Mayor

/s/ Armando Gomez
Former Milpitas Councilmember

ARGUMENT AGAINST MEASURE L

We urge you to vote No on Measure L. Opposing this measure is critical to keeping garbage and recycling rates low, maintaining your high quality service and protecting our environment. This new garbage agreement needs to be recognized for what it is—costly and flawed. Milpitas residents have already experienced water rate increases and reduced services. Enough is enough.

Measure L will lead to higher garbage rates. Due to the flawed bidding process, companies were prevented from offering Milpitas residents and businesses discounts for providing both collection and disposal services. Also the new contract means that trucks will have to travel over 40 additional miles to dispose of Milpitas' garbage. These transportation costs are estimated to cost Milpitas residents an additional \$10 million over the life of the contract.

Measure L will reduce the quality of services you receive. Milpitas enjoys an award winning, environmentally friendly, and low cost garbage and recycling service. There's no good reason to throw it all away.

Measure L will impact traffic and our environment. This contract will lead to more traffic on already congested roadways and through residential neighborhoods. Think traffic is bad now? Wait until over 50,000 tons of garbage is added annually onto your commute. More trucks traveling longer distances will also increase greenhouse gas emissions.

Opposing this measure is critical to ensuring that Milpitas garbage rates remain low and Milpitas residents and businesses continue to receive high quality environmentally responsible services.

Don't be the victim of another bad bureaucratic decision. Join us in voting No on Measure L.

/s/ Rondi Jackson
Milpitas Resident

/s/ Thomas J. Valore
Milpitas Resident

/s/ William D. "Denny" Weisgerber
Former Milpitas Mayor

/s/ Armando Gomez
Former Milpitas Councilmember

REBUTTAL TO ARGUMENT AGAINST MEASURE L

Vote Yes on Measure L and protect the City from corporate greed and strong arm garbage company tactics. Republic/Allied Services who own and operate Newby Island landfill impacting Milpitas is trying to overturn the City Council's decision to select Waste Management Inc. Selection of Waste Management results in your garbage going to the Guadalupe landfill in San Jose rather than to Newby Island landfill. A Yes vote keeps disposal costs lower because the bid process was highly competitive and not exclusive the way Republic/Allied Services would have liked it.

Yes on L will guarantee your garbage no longer goes to Newby Island landfill. City of Milpitas conducted a fair, open and transparent bid process. The process attracted highly competitive bids at low costs and was not flawed. This process was so competitive Republic/Allied Services chose not to submit a bid. Don't believe their arguments. Use of alternative fuel vehicles will reduce greenhouse gasses. Traffic impacts will decrease locally-Not as many trucks dumping at Newby Island. Taking our garbage to Guadalupe is close enough to keep cost low and your quality of life high. Please vote Yes on L.

/s/ Jose S. Esteves

/s/ Marsha Grilli