



MEMO OF UNDERSTANDING

Date: April 24, 2017

To: Fred Abadi, DPW Director; Dustin Nolan, Solid Waste and Recycling Coordinator

From: Jason Johnson; David Wall

Re: Condominium Tonnage Resolution

BACKGROUND

The current waste and recycling contract between the City of Waukesha and Advanced Disposal (ADSW) covers roadside/alleyway collection services for trash for residents within the City of Waukesha. Currently, select condominiums are included in the municipal solid waste (MSW) collection portion. Up until the new agreement was signed beginning in 2015, MSW disposal was included in the base rate, excluding Wisconsin state tipping fee increases that were broken out beginning in January 2008, and subsequently July and October of 2009 as part of contract amendments. Due to the increase in State Tipping Fees, ADSW began the practice of splitting the City tonnages from the Condo tonnages to properly reflect the increase in the City-only tipping fees.

Since January 2015, ADSW and the City have worked to identify condominiums that are subject to the standard collection contract are charged correctly to the City, or whether the condo should be handled by private contract. During this process, it was realized in the fall of 2016 that the MSW tons for the condominiums and city was not being split. It was identified that the process of splitting these tons ceased in July 2013 as a result of a change in personnel at ADSW responsible for this operation.

INVESTIGATION/DATA COLLECTION

Beginning in November 2016, ADSW dispatched separate collection vehicles dedicated to condominium complexes not under the city contract to their own collection days. In the month of November, ADSW collected 94.46 tons of MSW. On December 15, 2016, DPW officials directed ADSW to utilize an average of three months to get a more comprehensive understanding of the tonnage data, as shown below:

November	2016	94.46
December	2016	97.68
January	2017	48.32
	Total	240.46
	Avg	80.153



Based on the MSW tonnages collected, the average month was 80.153 tons. As an industry, it is common and typical to see reduction in weights due to seasonality changes and consumer behavior; for condo communities, a reduction in set-outs (snow-birds, vacation, etc).

VERIFICATION OF TONNAGE SEPARATION, 2008-2013

ADSW has provided system generated reports from January 2008 to January 2014. These reports identify origin of waste, disposal site and route numbers that collected and disposed of the MSW. In addition, all data was compiled into an Excel spreadsheet for review. In reviewing this data, the tons collected during that time corroborated the MSW collection tonnages during the November-January snapshot. During the timeframe that the condo tonnages were segregated (Jan-2008 to July-2013), a total of 5029.75 tons were collected, which is an average of 75.07 tons per month. Besides the standard MSW fluctuations as described earlier, the increase in the average tonnage is also affected by the increase in the condo count of 74 units since 2013, which is the most recent data provided by the City. By comparing the tonnages of the aforementioned timeframes, the tonnages are comparable based on the condo units serviced by ADSW that were combined with household units that are part of the standard collection contract with the City.



RESOLUTION

The City will receive an invoice credit of \$92,192.40 based on the November-December 2016 MSW average from the condos. The invoice credit will be divided into six equal invoice credits to be included on the following 2017 invoices: April 30, May 31, June 30, July 31, August 31, and September 30. The monthly invoice credit for the aforementioned invoices shall be \$15,365.40. The credit and resolution shall

The City and Advanced Disposal hereby acknowledge that the Recitals of this Memo of Understanding are true and accurate statements.

In consideration of the Resolution herein contained and other good and valuable consideration, the City of Waukesha agrees to fully and forever discharge and release Advanced Disposal from any further claims arising from the collection services provided by Advanced Disposal pursuant to the Memo of Understanding.

IN WITNESS WHEREOF, the parties hereto have caused this Memo of Understanding to be executed on this _____ day of _____, 2017.

CITY OF WAUKESHA	ADVANCED DISPOSAL SERVICES SOLID WASTE MIDWEST LLC
By: _____	By: _____
Name: _____	Name: _____
Title: _____	Title: _____
Attest: _____	