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## **City of Oakland Continues Legal Battle on Trash Problem**

*Oakland, CA* –The City of Oakland continued its multilateral effort to rectify the growing public health threat created by the accumulation of trash throughout neighborhoods in Oakland as a result of Waste Management of Alameda County's (WMAC) decision to lockout its workers.

Today, the Public Works Agency issued a letter addressing the fallacy repeated by WMAC spokespeople that full service had been restored. The letter stated that "WMAC is required by the Franchise Agreement and by the Temporary Restraining Order issued by Judge Richard Keller to provide all services on schedule. The Agreement allows an error rate by WMAC of 0.1 percent, which is equivalent to 20 missed collections per day in Oakland...Based on the hundreds of calls and emails that the City has received each day this week, it is clear that WMAC is not meeting the basic standards of its Franchise Agreement..."

As of Wednesday, July 18<sup>th</sup> the City of Oakland's Recycling Hotline had received 2069 voicemails, calls and emails of failed pick-ups since the lock out on July 2<sup>nd</sup>. The complaints reached an all time high of 280 calls and emails on Wednesday, July 17<sup>th</sup>—a full two days after a court ordered WMAC to fulfill its contractual duties and collect Oakland's trash.

"With over 2000 complaints calls and emails, it's clear that the public has already formed its opinion about Waste Management's credibility when they say they are providing full service," said Oakland City Attorney John Russo. "Waste Management's continued disrespect for Oakland residents and the court's order is breathtaking in its arrogance. It may be time we started thinking about a new company to handle our sanitation needs. I just don't know how Waste Management is going to win back the trust of our people."

Since Monday, July 16<sup>th</sup> City of Oakland staff and an auditing firm have been monitoring the court's order requiring Waste Management to fulfill its Franchise Agreement with the City and collect solid waste, yard waste (which includes food scraps), recyclables and bulky waste. Waste Management's customer service representatives are telling Oakland residents that they will have to wait until next week for their missed garbage collection to be serviced and Waste Management spokespeople are publicly stating the "judge's order does not change anything." Waste Management's blatant violation of the court order has prompted the City Attorney's Office to request a hearing before Superior Court Judge Richard Keller on Monday, July 23<sup>rd</sup>.

Under the City of Oakland's Franchise Agreement, the City has cumulative remedies including, but not exclusive to, termination of the contract and liquidated damages. At present, the City is negotiating with an outside contractor to collect the backlog of garbage which, in some neighborhoods, has been rotting for three weeks.