

1 Introduced by the Council President at the request of the Mayor and  
2 Substituted by the Transportation, Energy & Utilities Committee:

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5 **ORDINANCE 2022-34**

6 AN ORDINANCE CONCERNING AN APPLICATION FOR  
7 ASSIGNMENT AND TRANSFER OF RESIDENTIAL WASTE AND  
8 RECYCLING COLLECTION AND TRANSPORTATION  
9 SERVICES CONTRACT FOR SERVICE AREA I (CITY  
10 COUNCIL DISTRICTS 7, 8, 9, 10, 12, AND 14);  
11 DESIGNATING AND DIRECTING THE TRANSPORTATION,  
12 ENERGY & UTILITIES (TEU) COMMITTEE TO HOLD A  
13 NOTICED PUBLIC HEARING TO REVIEW AND MAKE  
14 RECOMMENDATIONS REGARDING APPROVAL OR  
15 DISAPPROVAL OF WASTE MANAGEMENT INC. OF FLORIDA,  
16 A FLORIDA CORPORATION AND SUCCESSOR BY MERGER TO  
17 ADVANCED DISPOSAL SERVICES JACKSONVILLE, LLC  
18 ("APPLICANT"), APPLICATION FOR ASSIGNMENT AND  
19 TRANSFER OF THE AMENDED AND RESTATED AGREEMENT  
20 FOR RESIDENTIAL WASTE AND RECYCLING COLLECTION  
21 AND TRANSPORTATION SERVICES (CONTRACT NO. 9165)  
22 BETWEEN THE CITY OF JACKSONVILLE ("CITY") AND  
23 ADVANCED DISPOSAL SERVICES JACKSONVILLE, LLC, IN  
24 ACCORDANCE WITH SECTION 382.308 (CONTRACT  
25 PROVISIONS; EXEMPTION FROM PURCHASING CODE;  
26 EXTENSION OF CONTRACTS), PART 3 (SELECTION OF  
27 WASTE COLLECTION AND DISPOSAL SERVICE AREAS AND  
28 CONTRACTORS), CHAPTER 382 (WASTE COLLECTION AND  
29 DISPOSAL SERVICE BY CONTRACTORS AND CITY),  
30 *ORDINANCE CODE*; DIRECTING THE CITY COUNCIL  
31 LEGISLATIVE SERVICES DIVISION TO ISSUE THE

1           REQUIRED PUBLIC HEARING NOTICE IN ACCORDANCE  
2           WITH SECTION 382.308 (CONTRACT PROVISIONS;  
3           EXEMPTION FROM PURCHASING CODE; EXTENSION OF  
4           CONTRACTS), PART 3 (SELECTION OF WASTE  
5           COLLECTION AND DISPOSAL SERVICE AREAS AND  
6           CONTRACTORS), CHAPTER 382 (WASTE COLLECTION AND  
7           DISPOSAL SERVICE BY CONTRACTORS AND CITY),  
8           *ORDINANCE CODE*; ADOPTING RECOMMENDED FINDINGS  
9           AND CONCLUSIONS OF THE TEU COMMITTEE;  
10          AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND  
11          CORPORATION SECRETARY TO EXECUTE AND DELIVER ANY  
12          NECESSARY CONTRACT DOCUMENTS TO EFFECTUATE THE  
13          TEU COMMITTEE RECOMMENDATIONS; PROVIDING AN  
14          EFFECTIVE DATE.

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16          **WHEREAS**, the City and Advanced Disposal Services Jacksonville,  
17          LLC ("Advanced Disposal") entered into that certain Amended and  
18          Restated Agreement for Residential Waste and Recycling Collection and  
19          Transportation Services between the City of Jacksonville ("City") and  
20          Advanced Disposal Services Jacksonville, LLC ("ADS"), dated October  
21          23, 2015 (the "Amended and Restated Agreement") contained within the  
22          **Second Revised On File** and incorporated herein by this reference; and

23          **WHEREAS**, pursuant to the letter dated October 1, 2021, from  
24          Waste Management Inc. of Florida, a Florida corporation ("Waste  
25          Management") contained within the **Second Revised On File** ADS was  
26          merged with Waste Management, effective December 31, 2021; and

27          **WHEREAS**, as of December 31, 2021, the Amended and Restated  
28          Agreement, pursuant to the corporate merger and by operation of law,  
29          was assigned and transferred to Waste Management as successor in  
30          interest to ADS;

31          **WHEREAS**, pursuant to Section 382.308 of the Ordinance Code and

1 the terms of the Amended and Restated Agreement, the City must approve  
2 or disapprove of the assignment and transfer of the Amended and  
3 Restated Agreement to Waste Management; now therefore

4 **BE IT ORDAINED** by the Council of the City of Jacksonville:

5 **Section 1. Recitals.** The recitals above are incorporated  
6 herein by reference.

7 **Section 2. Designation of Council Committee to Review and**  
8 **Make Recommendations Regarding Waste Management's Assignment and**  
9 **Transfer Application.** Pursuant to Council Rule 2.102(a)(3), the TEU  
10 Committee is the Council standing committee to which matters on refuse  
11 and landfill are referred, and as such will act as the designated  
12 committee pursuant to Section 382.308(b), *Ordinance Code*. The TEU  
13 Committee shall hold a public hearing to review Waste Management's  
14 Assignment and Transfer Application attached hereto as **Exhibit 1**,  
15 along with the supplementary documentation contained within the  
16 **Second Revised On File**, (collectively the "Application") regarding  
17 the Amended and Restated Agreement in accordance with Section  
18 382.308(b), *Ordinance Code*. The Application shall be in the form  
19 required in Sections 382.304 and 382.305, *Ordinance Code*. In  
20 accordance with Section 382.308(b), the TEU Committee shall review  
21 the Application and make a recommendation to the Council to approve  
22 or disapprove the application, with any conditions as deemed  
23 appropriate by the TEU Committee. The TEU Committee in recommending  
24 approval or disapproval of the Application to the Council shall  
25 consider the following criteria: (1) Applicant's financial fitness;  
26 (2) Applicant's experience; (3) the quality and quantity of the  
27 Applicant's equipment and facilities and the service to be rendered;  
28 (4) if the Applicant presently provides residential or commercial  
29 waste collection services, whether existing operations are  
30 satisfactory; (5) whether the Applicant or any of its owners, officers  
31 or directors has a criminal record; (6) the ability of the Applicant

1 to earn a fair return on invested capital; and (7) other  
2 considerations as the Committee deems relevant, except that the TEU  
3 Committee shall not consider rates of compensation or adjustment of  
4 service areas as provided in Section 382.307. If the Application is  
5 approved by the Council, the Applicant shall execute the appropriate  
6 assumption documents with the City in accordance with Section 382.308,  
7 *Ordinance Code*.

8           **Section 3. Directing the Legislative Services Division to**  
9 **issue the Required Public Hearing Notice.** The Legislative Services  
10 Division is hereby directed to issue the required public hearing  
11 notice in accordance with Section 382.308, *Ordinance Code*, which  
12 requires that the Council give fifteen days' prior public notice by  
13 publication one time in a newspaper of general circulation in the  
14 City, of a public hearing to be held by the TEU Committee for the  
15 purpose of recommending approval or disapproval of the Application.  
16 The City Council public hearing date in accordance with Chapter 166,  
17 *Florida Statutes*, shall be on March 8, 2022, and the TEU Committee  
18 public hearing date in accordance with Section 382.308, *Ordinance*  
19 *Code*, shall be on March 14, 2022.

20           **Section 4. Adoption of recommended findings, conclusions,**  
21 **and recommendations.** The Council has reviewed the TEU Committee's  
22 findings, conclusions, and recommendations regarding the Application.  
23 The TEU Committee's findings, conclusions, and recommendations  
24 regarding the Application are hereby adopted by the Council. This  
25 ordinance is the final action of the Council regarding the  
26 Application.

27           **Section 5. Authorization.** The Mayor, or his designee, and  
28 Corporation Secretary are hereby authorized to execute and deliver  
29 for and on behalf of the City any contract documents necessary to  
30 effectuate the TEU Committee's recommendations regarding the  
31 Application.

1           **Section 6.           Effective Date.**   This ordinance shall become  
2 effective upon signature by the Mayor or upon becoming effective  
3 without the Mayor's signature.

4 Form Approved:

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6             /s/ Lawsikia J. Hodges      

7 Office of General Counsel

8 Legislation Prepared By:   Lawsikia J. Hodges

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