

1 Introduced by the Council President at the request of the Mayor:
2
3

4 **ORDINANCE 2020-205**

5 AN ORDINANCE APPROVING AND AUTHORIZING THE
6 MAYOR, OR HIS DESIGNEE, AND THE CORPORATION
7 SECRETARY TO EXECUTE A SECOND AMENDMENT TO THE
8 EXISTING AGREEMENT WITH ADVANCED DISPOSAL
9 SERVICES JACKSONVILLE, LLC; SETTING RATES FROM
10 THE 2019 RATE REVIEW COMMENCING OCTOBER 1,
11 2019; SETTING FUEL CAPS FOR FISCAL YEARS 2019-
12 2020, 2020-2021, AND 2021-2022; AUTHORIZING
13 DUAL USE OF THE JACKSONVILLE AREA RESIDENTIAL
14 (JAR) FACILITY; APPROVING THE PREMISE COUNT
15 CONDUCTED IN CONNECTION WITH THE RATE REVIEW;
16 PROVIDING FOR A MARKUP ON EXPENSES; PROVIDING
17 FOR CITY OVERSIGHT BY THE SOLID WASTE DIVISION
18 OF THE DEPARTMENT OF PUBLIC WORKS; PROVIDING
19 AN EFFECTIVE DATE.
20

21 **WHEREAS**, Chapter 382, Part 3, *Ordinance Code*, provides for a
22 rate review to determine the rate and measure of compensation to be
23 paid each residential waste and recycling contractor's Agreement
24 for Residential Waste and Recycling Collection and Transportation
25 Services (the "Residential Collection Agreements") with the City,
26 and the Residential Collection Agreements also provide for rate
27 review and rate adjustment; and

28 **WHEREAS**, the Council approved an amended and restated contract
29 with Advanced Disposal Services Jacksonville, LLC ("ADS") pursuant
30 to Ordinance 2015-477-E (the "Contract") and a First Amendment to
31 the Contract pursuant to Ordinance 2017-57-E; and

1 **WHEREAS**, the Council Auditor and Administration performed a
2 rate review of the compensation previously paid and projected to be
3 paid to ADS for residential waste (garbage, yard waste, tires, and
4 white goods) and recycling collection and transportation services
5 to the City, and reported their review and rate recommendation to
6 the Council; and

7 **WHEREAS**, the Council has established a rate to be paid to ADS;
8 now therefore

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

10 **Section 1. Approval and authorization to execute.** The
11 terms established by the Council Rate Review process as set forth
12 in **Exhibit 2**, attached hereto and incorporated herein by this
13 reference, are hereby approved, and the Mayor, or his designee, and
14 the Corporation Secretary are hereby authorized to execute the
15 Second Amendment to the Amended and Restated Agreement for
16 Residential Waste and Recycling Collection and Transportation
17 Services between the City and ADS, in substantially the same form
18 attached hereto as **Exhibit 1** and incorporated herein by this
19 reference, which incorporates the terms set forth in **Exhibit 2**.

20 **Section 2. Mark-up on Expenses.** The monthly base rate
21 component of \$10.34 set forth in **Exhibit 2** represents a mark-up of
22 17.50% from agreed upon operating expenses of \$7,803,754.00 before
23 profit, interest expenses, and corporate taxes.

24 **Section 3. Dual Use of JAR Facility.** ADS's dual use of
25 the Jacksonville Area Residential (JAR) Facility is hereby
26 authorized subject to the terms and conditions outlined in **Exhibit**
27 **1**.

28 **Section 4. Oversight.** The Solid Waste Division of the
29 Department of Public Works shall oversee the Residential Collection
30 Agreement described herein.

31 **Section 5. Effective Date.** This ordinance shall become

1 effective upon signature by the Mayor or upon becoming effective
2 without the Mayor's signature.

3

4 Form Approved:

5

6

7

Office of General Counsel

8

Legislation prepared by: James R. McCain, Jr.

9

GC-#1358812-v1-03_09_20_AdvancedDisposal_2ndAmd_CA_Over.docx