

1 Introduced by Council Member Salem and Co-Sponsored by Council Members
2 Morgan and Pittman and amended by the Neighborhoods, Community
3 Services, Public Health and Safety Committee:

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6 **ORDINANCE 2022-907-E**

7 AN ORDINANCE APPROVING AND ADOPTING A NEW PILOT
8 PROGRAM ENTITLED "FOOD WASTE DIVERSION
9 (COMPOSTING) PILOT PROGRAM" (THE "PILOT
10 PROGRAM") TO PROVIDE A VOLUNTARY OPPORTUNITY FOR
11 DUVAL COUNTY PUBLIC SCHOOLS AND VARIOUS FOOD-
12 BASED BUSINESSES IN THE RIVERSIDE-AVONDALE AREA
13 TO PARTNER WITH THE CITY OF JACKSONVILLE FOR THE
14 PROVISION OF LIMITED COMPOSTING SERVICES FOR
15 CERTAIN FOOD PRODUCTS; PROVIDING FOR A
16 SUNSETTING OF THE PILOT PROGRAM UNLESS EXTENDED
17 BY LEGISLATION; CREATING A FOOD WASTE DIVERSION
18 PROGRAM SPECIAL REVENUE FUND INTO WHICH FUNDS
19 COLLECTED FROM THE PILOT PROGRAM SHALL BE
20 DEPOSITED FOR USE AS PROVIDED HEREIN; APPROVING
21 AND AUTHORIZING THE MAYOR, OR HIS DESIGNEE, AND
22 THE CORPORATION SECRETARY TO EXECUTE AND DELIVER
23 A CONTRACT BETWEEN THE CITY OF JACKSONVILLE AND
24 SUNSHINE ORGANICS & COMPOST LLC TO IMPLEMENT THE
25 PILOT PROGRAM; PROVIDING FOR CITY OVERSIGHT OF
26 THE PILOT PROGRAM BY THE SOLID WASTE DIVISION OF
27 THE PUBLIC WORKS DEPARTMENT; PROVIDING AN
28 EFFECTIVE DATE.

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30 **WHEREAS**, on average, Americans waste around 25% of all food
31 purchases each year, which has led to increases in landfill waste by

1 the tons;

2 **WHEREAS**, the City of Jacksonville (the "City") recognizes the
3 need to reduce the amount of solid waste entering its landfills to
4 protect the public health, safety, and welfare of City residents,
5 visitors, and future generations;

6 **WHEREAS**, the City finds that a composting pilot program will
7 encourage the diversion of solid waste from entering landfills while
8 also benefitting businesses who participate in the program through
9 cost savings that would be realized from reduced hauling fees that
10 are paid to cover trash collection; now therefore

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

12 **Section 1. Approval and Adoption of the "Food Waste**
13 **Diversion (Composting) Pilot Program."** There is hereby approved and
14 adopted within the City a "Food Waste Diversion (Composting) Pilot
15 Program" (the "Pilot Program"), which will provide a voluntary
16 opportunity for food-based businesses to partner with the City and
17 its contractor, Sunshine Organics & Compost LLC ("Contractor"), to
18 provide an opportunity for limited composting services to various
19 restaurants and food-based businesses in the Riverside/Avondale area
20 and nearby farmer's markets as well as the Duval County Public Schools
21 Nutrition Service Center ("NSC") facility. The City and the
22 Contractor will administer the Pilot Program in accordance with the
23 terms and conditions of that certain Contract Between the City of
24 Jacksonville and Sunshine Organics & Compost LLC for the Food Waste
25 Diversion (Composting) Pilot Program (the "Contract"), in
26 substantially the form placed **Revised On File** with the Legislative
27 Services Division. Pursuant to the Contract, the Contractor shall
28 invoice each participating facility at a rate of \$50.00 per month,
29 per bin, with the exception that any participating Duval County Public
30 Schools facilities shall not be charged any fees or costs for
31 participating in the Pilot Program. The Contractor will remit to the

1 City all fees collected from participating facilities of the Pilot
2 Program to be deposited in the City's Food Waste Diversion Special
3 Revenue Fund established by this Ordinance. The "Food Waste Diversion
4 (Composting) Pilot Program" will commence on February 15, 2023 and
5 will continue through August 15, 2023. The Solid Waste Division of
6 the Public Works Department shall submit a preliminary report to the
7 Council on or before September 15, 2023, outlining the total funds
8 collected from the Pilot Program, summarizing the successes and
9 opportunities for improvement realized from the Pilot Program,
10 including any recommendations the Public Works Department may have
11 with regards to initiating a permanent composting program for the
12 City, and to any other information or recommendations the Council may
13 request relative to the Pilot Program.

14 **Section 2. Sunset of Pilot Program.** The provisions of this
15 Ordinance providing for the "Food Waste Diversion (Composting) Pilot
16 Program" as described in Section 1, shall sunset, be repealed, and
17 be of no further effect on August 15, 2023, unless extended by
18 subsequent legislation.

19 **Section 3. Creating a Food Waste Diversion Program Special**
20 **Revenue Fund.** There is hereby created a special revenue fund of the
21 City to be known as the "Food Waste Diversion Program Special Revenue
22 Fund", hereinafter called the "Fund". The Fund shall contain the
23 monies remitted by Sunshine Organics & Compost LLC, that are derived
24 from the fees collected from participants of the City's Food Waste
25 Diversion (Composting) Pilot Program. The monies deposited in the
26 Fund shall remain in the Fund for the duration of the Pilot Program
27 with the intent that such monies will be used toward establishment
28 of a permanent composting program for the City or to cover costs
29 arising from any extension of the Pilot Program, subject to Council
30 appropriation for such purposes. In the event the Pilot Program is
31 not extended, or a permanent composting program is not established

1 by Council on or before October 1, 2023, 50% of the monies held in
2 the Fund will be remitted to Sunshine Organics & Compost LLC, with
3 the remaining 50% being retained by the City to be used toward
4 expenses incurred in administering the Pilot Program. Monies
5 deposited in the Fund, together with any interest accrued thereon,
6 shall not lapse at the end of any fiscal year and shall carry forward
7 to subsequent fiscal years.

8 **Section 4. Approval and Authorization to Execute Contract.**

9 There is hereby approved, and the Mayor, or his designee, and
10 Corporation Secretary are hereby authorized to execute and deliver,
11 for and on behalf of the City, that certain Contract between the City
12 of Jacksonville and Sunshine Organics & Compost LLC for the Food
13 Waste Diversion (Composting) Pilot Program, outlining the terms and
14 conditions for administration and implementation of the Pilot
15 Program, **Revised On File** with the Legislative Services Division. The
16 term of the Contract commences upon execution by the City and expires
17 on August 15, 2023, unless sooner terminated in accordance with the
18 terms of the Contract. The Contract may include such additions,
19 deletions and changes as may be reasonable, necessary and incidental
20 for carrying out the purposes thereof, as may be acceptable to the
21 Mayor, or his designee, with such inclusion and acceptance being
22 evidenced by execution of the Contract by the Mayor or his designee;
23 provided however, no modifications to the Contract may increase the
24 financial obligations or the liability of the City or decrease the
25 duties and obligations of the Contractor and any such modification
26 shall be technical only and shall be subject to appropriate legal
27 review and approval by the Office of General Counsel and the Risk
28 Management Division for appropriate insurance and indemnification
29 terms. For the purposes of this Ordinance, the term "technical
30 changes" is defined as those changes having no financial impact to
31 the City and any other non-substantive changes that do not

1 substantively increase the duties and responsibilities of the City
2 under the provisions of the Contract.

3 **Section 5. Oversight.** The Solid Waste Division of the
4 Public Works Department shall be responsible for oversight of the
5 Pilot Program and administration of the Contract described herein on
6 behalf of the City.

7 **Section 6. Effective Date.** This Ordinance shall become
8 effective upon signature by the Mayor or upon becoming effective
9 without the Mayor's signature.

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11 Form Approved:

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13 /s/ Mary E. Staffopoulos

14 Office of General Counsel

15 Legislation prepared by: Sharon Wyskiel

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