

1 Introduced by the Council President at the request of the Mayor and
2 amended by the Neighborhoods, Community Services, Public Health and
3 Safety Committee:
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6 **ORDINANCE 2023-22-E**

7 AN ORDINANCE APPROVING AND AUTHORIZING THE
8 MAYOR, OR HIS DESIGNEE, AND THE CORPORATION
9 SECRETARY TO EXECUTE A THIRD AMENDMENT TO THE
10 EXISTING AGREEMENT WITH WASTE MANAGEMENT INC. OF
11 FLORIDA, SETTING RATES FROM THE 2022 RATE REVIEW
12 COMMENCING OCTOBER 1, 2022, SETTING FUEL CAPS
13 FOR FISCAL YEAR 2022-2023, AND APPROVING THE
14 PREMISE COUNT CONDUCTED IN CONNECTION WITH THE
15 RATE REVIEW; PROVIDING FOR A MARKUP ON EXPENSES;
16 PROVIDING FOR CITY OVERSIGHT BY THE SOLID WASTE
17 DIVISION OF THE DEPARTMENT OF PUBLIC WORKS;
18 PROVIDING AN EFFECTIVE DATE.
19

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

27 **WHEREAS**, the Council approved an amended and restated contract
28 with Advanced Disposal Services Jacksonville, LLC pursuant to
29 Ordinance 2015-477-E (the "Contract"); and

30 **WHEREAS**, the Contract was subsequently amended by that certain
31 First Amendment approved by the Council pursuant to Ordinance

1 2017-57-E and that certain Second Amendment approved by the Council
2 pursuant to Ordinance 2020-205-E; and

3 **WHEREAS**, effective December 31, 2021, Advanced Disposal Services
4 of Jacksonville, LLC merged with Waste Management Inc. of Florida
5 ("Waste Management") and the Council approved an assignment and
6 transfer of the Contract to Waste Management pursuant to Ordinance
7 2022-34-E; and

8 **WHEREAS**, the Council Auditor and City Administration performed
9 a rate review of the compensation previously paid and projected to
10 be paid to Waste Management for residential waste (garbage, yard
11 waste, tires, and white goods) and recycling collection and
12 transportation services to the City, and reported their review and
13 rate recommendation to the Council; and

14 **WHEREAS**, the Council has established a rate to be paid to Waste
15 Management; now, therefore

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

17 **Section 1. Approval and Authorization to Execute.** The
18 terms established by the Council Rate Review Process as set forth in
19 **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Rev Terms, February
20 6, 2023 - NCSPHS", attached hereto and incorporated herein by this
21 reference, are hereby approved, and the Mayor, or his designee, and
22 the Corporation Secretary are hereby authorized to execute a Third
23 Amendment to Amended and Restated Agreement for Residential Waste and
24 Recycling Collection and Transportation Services (Service Area I)
25 between the City and Waste Management Inc. of Florida, in
26 substantially the same form attached hereto as **Revised Exhibit 2**,
27 labeled as "Revised Exhibit 2, Rev Agmt Amd, February 6, 2023 -
28 NCSPHS" and incorporated herein by this reference. The Third
29 Amendment incorporates the terms set forth in **Revised Exhibit 1**.

30 **Section 2. Mark-up on Expenses.** The monthly base rate
31 component of \$14.00 set forth in **Revised Exhibit 1** represents a mark-

1 up of 18.00% from agreed upon operating expenses of \$11,073,729.00
2 before profit, interest expenses, and corporate taxes.

3 **Section 3. Oversight.** The Solid Waste Division of the
4 Department of Public Works shall oversee the Contract described
5 herein.

6 **Section 4. Effective Date.** This Ordinance shall become
7 effective upon signature by the Mayor or upon becoming effective
8 without the Mayor's signature.

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10 Form Approved:

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12 /s/ Mary E. Staffopoulos

13 Office of General Counsel

14 Legislation prepared by: Mary E. Staffopoulos

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