

1 Introduced by the Council President at the request of the Mayor and
2 substituted by the Transportation, Energy & Utilities Committee and
3 amended by the Transportation, Energy & Utilities Committee:
4

5
6 **ORDINANCE 2022-34-E**

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

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

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

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

29 **WHEREAS**, as of December 31, 2021, the Amended and Restated
30 Agreement, pursuant to the corporate merger and by operation of law,

1 was assigned and transferred to Waste Management as successor in
2 interest to ADS;

3 **WHEREAS**, pursuant to Section 382.308 of the Ordinance Code and
4 the terms of the Amended and Restated Agreement, the City must approve
5 or disapprove of the assignment and transfer of the Amended and
6 Restated Agreement to Waste Management; now therefore

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

8 **Section 1. Recitals.** The recitals above are incorporated
9 herein by reference.

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

1 (4) if the Applicant presently provides residential or commercial
2 waste collection services, whether existing operations are
3 satisfactory; (5) whether the Applicant or any of its owners, officers
4 or directors has a criminal record; (6) the ability of the Applicant
5 to earn a fair return on invested capital; and (7) other
6 considerations as the Committee deems relevant, except that the TEU
7 Committee shall not consider rates of compensation or adjustment of
8 service areas as provided in Section 382.307. If the Application is
9 approved by the Council, the Applicant shall execute the appropriate
10 assumption documents with the City in accordance with Section 382.308,
11 *Ordinance Code*.

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

24 **Section 4. Adoption of recommended findings, conclusions,**
25 **and recommendations.** The Council has reviewed the TEU Committee's
26 findings, conclusions, and recommendations regarding the Application.
27 The TEU Committee's findings, conclusions, and recommendations to
28 approve the Application and enter into an assumption document with
29 Waste Management Inc. of Florida in accordance with Section
30 382.308(b)(1), *Ordinance Code* are hereby adopted by the Council. This

1 ordinance is the final action of the Council regarding the
2 Application.

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

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

11
12
13 Form Approved:

14
15
16 /s/ Paige H. Johnston

17 Office of General Counsel

18 Legislation Prepared By: Lawsikia J. Hodges

19 GC-#1489953-v1-2022-034-E.docx