

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2022-34**

5 AN ORDINANCE APPROVING AND AUTHORIZING THE
6 MAYOR, OR HIS DESIGNEE, AND CORPORATION
7 SECRETARY TO EXECUTE AND DELIVER AN ASSUMPTION
8 DOCUMENT REGARDING THE AMENDED AND RESTATED
9 AGREEMENT FOR RESIDENTIAL WASTE AND RECYCLING
10 COLLECTION AND TRANSPORTATION SERVICES
11 (CONTRACT NO. 9165) ("AMENDED AND RESTATED
12 AGREEMENT") BETWEEN THE CITY OF JACKSONVILLE
13 ("CITY") AND WASTE MANAGEMENT INC. OF FLORIDA
14 ("WASTE MANAGEMENT"), A FLORIDA CORPORATION (THE
15 "ASSUMPTION DOCUMENT"); APPROVING THE TRANSFER
16 BY CORPORATE MERGER OF THE AMENDED AND RESTATED
17 AGREEMENT TO WASTE MANAGEMENT WITH CONTINGENCY;
18 WAIVING CERTAIN TRANSFERABILITY REQUIREMENTS OF
19 SECTION 382.308 (CONTRACT PROVISIONS;
20 EXEMPTIONS FROM PURCHASING CODE; EXTENSION OF
21 CONTRACTS), PART 3 (SELECTION OF WASTE
22 COLLECTION AND DISPOSAL SERVICE AREAS AND
23 CONTRACTORS), CHAPTER 382 (WASTE COLLECTION AND
24 DISPOSAL SERVICE BY CONTRACTORS AND CITY),
25 *ORDINANCE CODE*, TO ALLOW FOR THE ASSUMPTION
26 DOCUMENT BETWEEN THE CITY AND WASTE MANAGEMENT;
27 PROVIDING FOR CITY OVERSIGHT BY THE SOLID WASTE
28 DIVISION OF THE DEPARTMENT OF PUBLIC WORKS;
29 PROVIDING AN EFFECTIVE DATE.
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31 **WHEREAS**, the City and Advanced Disposal Services Jacksonville,

1 LLC ("Advanced Disposal") entered into that certain Amended and
2 Restated Agreement for Residential Waste and Recycling Collection and
3 Transportation Services between the City of Jacksonville ("City") and
4 Advanced Disposal Services Jacksonville, LLC ("ADS"), dated October
5 23, 2015 (the "Amended and Restated Agreement") contained **On File** and
6 incorporated herein by this reference; and

7 **WHEREAS**, pursuant to the letter dated October 1, 2021, from
8 Waste Management Inc. of Florida, a Florida corporation ("Waste
9 Management") contained **On File** ADS was merged with Waste Management,
10 effective December 31, 2021; and

11 **WHEREAS**, as of December 31, 2021, Waste Management, pursuant to
12 the corporate merger, will provide the services to the City in
13 accordance with the Amended and Restated Agreement;

14 **WHEREAS**, pursuant to Section 382.308 of the Ordinance Code, the
15 City desires to approve the transfer by corporate merger of the
16 Amended and Restated Agreement to Waste Management, and Waste
17 Management agrees to assume the obligations under the Amended and
18 Restated Agreement; now therefore

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

20 **Section 1. Recitals.** The recitals above are incorporated
21 herein by reference.

22 **Section 2. Execution of Assumption Document authorized.**
23 The Mayor or his designee and the Corporation Secretary are hereby
24 authorized to execute and deliver an assumption document in accordance
25 with Section 382.308(b)(1), Ordinance Code ("Assumption Document").
26 The Assumption Document shall require Waste Management to comply
27 with, assume and perform all liabilities, obligations, conditions,
28 standards and services imposed by the Amended and Restated Agreement
29 in accordance with Section 382.308(b)(1) of the Ordinance Code, and
30 the Assumption Document shall be reviewed and approved by the Office
31 of General Counsel as to form.

1 **Section 3. Approving the transfer by corporate merger of**
2 **the Amended and Restated Agreement with contingency.** The Council
3 approves the transfer by corporate merger of the Amended and Restated
4 Agreement **On File** to Waste Management pursuant to Section
5 382.308(b)(1), *Ordinance Code*, subject to the waiver in Section 4 and
6 contingent upon Waste Management's execution of the Assumption
7 Document. The Council's approval of the transfer by corporate merger
8 of the Amended and Restated Agreement to Waste Management pursuant
9 to this section shall become effective as of the date that the
10 Assumption Document is fully executed by the City and Waste
11 Management.

12 **Section 4. Waiving certain transferability requirements of**
13 **Section 382.308 (Contract provisions; exemption from Purchasing Code;**
14 **extension of contracts), Part 3 (Selection of Waste Collection and**
15 **Disposal Service Areas and Contractors), Chapter 382 (Waste**
16 **Collection and Disposal Service by Contractors and City) Ordinance**
17 **Code.** The transferability requirements set forth in Section
18 382.308(b)(1) of the Code, which requires the Council to approve
19 contract transfers in the same manner and based on the same criteria
20 as provided in Sections 382.306 and 382.307 of the Code, are waived
21 to allow the City and Waste Management to execute the Assumption
22 Document.

23 **Section 5. Oversight Department.** The Solid Waste Division
24 of the Department of Public Works shall oversee the Assumption
25 Document and matters described in this ordinance.

26 **Section 6. Effective Date.** This ordinance shall become
27 effective upon signature by the Mayor or upon becoming effective
28 without the Mayor's signature.

1 Form Approved:

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3 /s/ Lawsikia J. Hodges

4 Office of General Counsel

5 Legislation Prepared By: Lawsikia J. Hodges

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7 Legislation_Authorizing_Assumption_Agreement_of_Waste_Hauler_Contract_(Waste_Management).docx