

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 2023-23-E**

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

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

26 **WHEREAS**, the Council approved an amended and restated contract
27 with Waste Pro of Florida, Inc. ("Waste Pro") pursuant to Ordinance
28 2013-39-E (the "Contract") which was subsequently amended by that
29 certain First Amendment approved by the Council pursuant to Ordinance
30 2014-284-E, that certain Second Amendment approved pursuant to
31 Ordinance 2017-59-E, and that certain Third Amendment approved by

1 Ordinance 2020-206-E; and

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

8 **WHEREAS**, the Council has established a rate to be paid to Waste
9 Pro as outlined in Section 2 herein; now, therefore

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

11 **Section 1. Approval and Authorization to Execute.** The
12 terms established by the Council Rate Review Process as set forth in
13 **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Rev Terms, February
14 6, 2023 - NCSPHS", attached hereto and incorporated herein by this
15 reference. The Mayor, or his designee, and the Corporation Secretary
16 are hereby authorized to execute a Fourth Amendment to Amended and
17 Restated Agreement for Residential Waste and Recycling Collection and
18 Transportation Services (Service Area III) between the City and Waste
19 Pro of Florida, Inc., in substantially the same form attached hereto
20 as **Revised Exhibit 2**, labeled as "Revised Exhibit 2, Rev Agmt Amd,
21 February 6, 2023 - NCSPHS" and incorporated herein by this reference.
22 The Fourth Amendment incorporates the terms approved by Council as
23 set forth in **Exhibit 3**. These terms include the terms of the Council
24 Rate Review Process set forth in **Revised Exhibit 1** with the exception
25 of increasing the Monthly Base Rate Component and striking reference
26 to adjusting the rate, if necessary, for future vehicle purchases.

27 **Section 2. Monthly Base Rate.** The monthly base rate
28 component of \$23.11 set forth in **Exhibit 3** is inclusive of a mark-up
29 on operating expenses before profit, interest expenses, and corporate
30 taxes.

31 **Section 3. Oversight.** The Solid Waste Division of the

1 Department of Public Works shall oversee the Contract described
2 herein.

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

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7 Form Approved:

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9 /s/ Mary E. Staffopoulos

10 Office of General Counsel

11 Legislation prepared by: Mary E. Staffopoulos

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