

1 Introduced by Council Member Salem:
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4 **ORDINANCE 2022-907**

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

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

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

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

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

11 **Section 1. Approval and Adoption of the "Food Waste**
12 **Diversion (Composting) Pilot Program."** There is hereby approved and
13 adopted within the City a "Food Waste Diversion (Composting) Pilot
14 Program" (the "Pilot Program"), which will provide a voluntary
15 opportunity for food-based businesses to partner with the City and
16 its contractor, Sunshine Organics & Compost LLC ("Contractor"), to
17 provide an opportunity for limited composting services to various
18 restaurants and food-based businesses in the Riverside/Avondale area
19 and nearby farmer's markets as well as the Duval County Public Schools
20 Nutrition Service Center ("NSC") facility. The City and the
21 Contractor will administer the Pilot Program in accordance with the
22 terms and conditions of that certain Contract Between the City of
23 Jacksonville and Sunshine Organics & Compost LLC for the Food Waste
24 Diversion (Composting) Pilot Program (the "Contract"), in
25 substantially the form placed **On File** with the Legislative Services
26 Division. Pursuant to the Contract, the Contractor shall invoice
27 each participating facility at a rate of \$25.00 per bin collected in
28 addition to a "tipping fee" assessed based on the weight of material
29 collected, with the exception that any participating Duval County
30 Public 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 June 30, 2023. The Solid Waste Division of the
6 Public Works Department shall submit a preliminary report to the
7 Council on or before July 31, 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 June 30, 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, **On File** with the Legislative Services Division. The term of
16 the Contract commences upon execution by the City and expires on June
17 30, 2023, unless sooner terminated in accordance with the terms of
18 the Contract. The Contract may include such additions, deletions and
19 changes as may be reasonable, necessary and incidental for carrying
20 out the purposes thereof, as may be acceptable to the Mayor, or his
21 designee, with such inclusion and acceptance being evidenced by
22 execution of the Contract by the Mayor or his designee; provided
23 however, no modifications to the Contract may increase the financial
24 obligations or the liability of the City or decrease the duties and
25 obligations of the Contractor and any such modification shall be
26 technical only and shall be subject to appropriate legal review and
27 approval by the Office of General Counsel and the Risk Management
28 Division for appropriate insurance and indemnification terms. For
29 the purposes of this Ordinance, the term "technical changes" is
30 defined as those changes having no financial impact to the City and
31 any other non-substantive changes that do not substantively increase

