

**CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY**



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Bill Type and Number: Ordinance 2023-249

Introducer/Sponsor(s): Council Member Boylan

Date of Introduction: April 11, 2023

Committee(s) of Reference: NCSPHS, R, F

Date of Analysis: April 13, 2023

Type of Action: Authorization to execute amended solid waste hauler agreement; designation of oversight agency

Bill Summary: The bill authorizes execution of a fifth amendment to the waste hauler agreement between the City and Waste Pro of Florida, Inc. for Service Area III to extend the term of the agreement through September 30, 2029, to adjust the annual CPI increase “not to exceed” cap upward from 3% to 5%, and to provide that the base rate is not lowered as a result of the rate review process. It waives portions of Ordinance Code Section 382.308 – Procedures for extension of contracts - and designates the Solid Waste Division as the oversight agency for the contract.

Background Information: The current contract with Waste Pro expires on September 30, 2023 and pursuant to the Ordinance Code may be extended for 6 year terms. The extended agreement would provide that in the years when a full rate review is not performed and the rate is increased based on change in the Consumer Price Index, the maximum increase allowed will increase from 3% to 5%. The new agreement also provides that in the years when the full rate review is performed (FY25-26 and FY28-29), the base rate shall not be decreased from the previous year’s rate even if the agreed upon expenses with mark-up base rate is less than the base rate of the previous year. Portions of the Ordinance Code’s provisions regarding the procedure for extending hauler contracts are waived to permit the extension of the contract without the contractor having submitted an extension application form, to permit the extension to be approved after the annual February 28th deadline, and to permit a limitation on the reduction of the base rate in future years which, it could be argued, is at variance with the established procedure for rate-setting.

Policy Impact Area: Solid waste hauler contract

Fiscal Impact: Allows the hauler’s base rate to increase more than permitted under the current agreement in a period of high inflation and prevents the base rate from being reduced from the previous year’s rate in future years.

Analyst: Clements