

1 Council Member DeFoor offers the following Substitute to file no.
2 2022-34:

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

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

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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 Revised On
24 **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 Revised On File ADS was merged with Waste
28 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,
31 was assigned and transferred to Waste Management as successor in

1 interest to ADS;

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

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

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

9 **Section 2. Designation of Council Committee to Review and**
10 **Make Recommendations Regarding Waste Management's Assignment and**
11 **Transfer Application.** Pursuant to Council Rule 2.102(a)(3), the TEU
12 Committee is the Council standing committee to which matters on refuse
13 and landfill are referred, and as such will act as the designated
14 committee pursuant to Section 382.308(b), *Ordinance Code*. The TEU
15 Committee shall hold a public hearing to review Waste Management's
16 Assignment and Transfer Application attached hereto as **Exhibit 1** (the
17 "Application") regarding the Amended and Restated Agreement in
18 accordance with Section 382.308(b), *Ordinance Code*. The Application
19 shall be in the form required in Sections 382.304 and 382.305,
20 *Ordinance Code*. In accordance with Section 382.308(b), the TEU
21 Committee shall review the Application and make a recommendation to
22 the Council to approve or disapprove the application, with any
23 conditions as deemed appropriate by the TEU Committee. The TEU
24 Committee in recommending approval or disapproval of the Application
25 to the Council shall consider the following criteria: (1) Applicant's
26 financial fitness; (2) Applicant's experience; (3) the quality and
27 quantity of the Applicant's equipment and facilities and the service
28 to be rendered; (4) if the Applicant presently provides residential
29 or commercial waste collection services, whether existing operations
30 are satisfactory; (5) whether the Applicant or any of its owners,
31 officers or directors has a criminal record; (6) the ability of the

1 Applicant to earn a fair return on invested capital; and (7) other
2 considerations as the Committee deems relevant, except that the TEU
3 Committee shall not consider rates of compensation or adjustment of
4 service areas as provided in Section 382.307. If the Application is
5 approved by the Council, the Applicant shall execute the appropriate
6 assumption documents with the City in accordance with Section 382.308,
7 *Ordinance Code*.

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

20 **Section 4. Adoption of recommended findings, conclusions,**
21 **and recommendations.** The Council has reviewed the TEU Committee's
22 findings, conclusions, and recommendations regarding the Application.
23 The TEU Committee's findings, conclusions, and recommendations
24 regarding the Application are hereby adopted by the Council. This
25 ordinance is the final action of the Council regarding the
26 Application.

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

1 **Section 6. Effective Date.** This ordinance shall become
2 effective upon signature by the Mayor or upon becoming effective
3 without the Mayor's signature.

4 Form Approved:

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7 Office of General Counsel

8 Legislation Prepared By: Lawsikia J. Hodges

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