

1 Introduced by the Council President at the request of the Mayor:  
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4 **ORDINANCE 2023-22**

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

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

25 **WHEREAS**, the Council approved an amended and restated contract  
26 with Advanced Disposal Services Jacksonville, LLC pursuant to  
27 Ordinance 2015-477-E (the "Contract"); and

28 **WHEREAS**, the Contract was subsequently amended by that certain  
29 First Amendment approved by the Council pursuant to Ordinance 2017-  
30 57-E and that certain Second Amendment approved by the Council  
31 pursuant to Ordinance 2020-205-E; and

1           **WHEREAS**, effective December 31, 2022, Advanced Disposal Services  
2 of Jacksonville, LLC merged with Waste Management Inc. of Florida  
3 ("Waste Management") and the Council approved an assignment and  
4 transfer of the Contract to Waste Management pursuant to Ordinance  
5 2022-34-E; and

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

12           **WHEREAS**, the Council has established a rate to be paid to Waste  
13 Management; now, therefore

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

15           **Section 1.           Approval and Authorization to Execute.**    The  
16 terms established by the Council Rate Review Process as set forth in  
17 **Exhibit 1**, attached hereto and incorporated herein by this reference,  
18 are hereby approved, and the Mayor, or his designee, and the  
19 Corporation Secretary are hereby authorized to execute a Third  
20 Amendment to Amended and Restated Agreement for Residential Waste and  
21 Recycling Collection and Transportation Services (Service Area I)  
22 between the City and Waste Management Inc. of Florida, in  
23 substantially the same form attached hereto as **Exhibit 2** and  
24 incorporated herein by this reference.    The Third Amendment  
25 incorporates the terms set forth in **Exhibit 1**.

26           **Section 2.           Mark-up on Expenses.**    The monthly base rate  
27 component of \$14.00 set forth in **Exhibit 1** represents a mark-up of  
28 18.00% from agreed upon operating expenses of \$11,073,729.00 before  
29 profit, interest expenses, and corporate taxes.

30           **Section 3.           Oversight.**           The Solid Waste Division of the  
31 Department of Public Works shall oversee the Contract described

1 herein.

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

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6 Form Approved:

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8 /s/ Mary E. Staffopoulos

9 Office of General Counsel

10 Legislation prepared by: Mary E. Staffopoulos

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