

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2023-23**

5 AN ORDINANCE APPROVING AND AUTHORIZING THE
6 MAYOR, OR HIS DESIGNEE, AND THE CORPORATION
7 SECRETARY TO EXECUTE A FOURTH AMENDMENT TO THE
8 EXISTING AGREEMENT WITH WASTE PRO OF FLORIDA,
9 INC., 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 Waste Pro of Florida, Inc. ("Waste Pro") pursuant to Ordinance
27 2013-39-E (the "Contract") which was subsequently amended by that
28 certain First Amendment approved by the Council pursuant to Ordinance
29 2014-284-E, that certain Second Amendment approved pursuant to
30 Ordinance 2017-59-E, and that certain Third Amendment approved by
31 Ordinance 2020-206-E; and

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

7 **WHEREAS**, the Council has established a rate to be paid to Waste
8 Pro; now, therefore

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

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

21 **Section 2. Mark-up on Expenses.** The monthly base rate
22 component of \$19.01 set forth in **Exhibit 1** represents a mark-up of
23 15.00% from agreed upon operating expenses of \$15,829,069.00 before
24 profit, interest expenses, and corporate taxes.

25 **Section 3. Oversight.** The Solid Waste Division of the
26 Department of Public Works shall oversee the Contract described
27 herein.

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

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation prepared by: Mary E. Staffopoulos

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