

1 Introduced by the Council President at the request of the Mayor:
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4 **ORDINANCE 2020-206-E**

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 PRO OF FLORIDA,
9 INC.; SETTING RATES FROM THE 2019 RATE REVIEW
10 COMMENCING OCTOBER 1, 2019; SETTING FUEL CAPS
11 FOR FISCAL YEARS 2019-2020, 2020-2021, AND
12 2021-2022; APPROVING THE PREMISE COUNT
13 CONDUCTED IN CONNECTION WITH THE RATE REVIEW;
14 PROVIDING FOR A MARKUP ON EXPENSES BASED ON
15 THE MAYOR'S RECOMMENDATION PURSUANT TO SECTION
16 382.390(B)(7), *ORDINANCE CODE*; PROVIDING FOR
17 CITY OVERSIGHT BY THE SOLID WASTE DIVISION OF
18 THE DEPARTMENT OF PUBLIC WORKS; PROVIDING AN
19 EFFECTIVE DATE.
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21 **WHEREAS**, Chapter 382, Part 3, *Ordinance Code*, provides for a
22 rate review to determine the rate and measure of compensation to be
23 paid each residential waste and recycling contractor's Agreement
24 for Residential Waste and Recycling Collection and Transportation
25 Services (the "Residential Collection Agreements") with the City,
26 and the Residential Collection Agreements also provide for rate
27 review and rate adjustment; and

28 **WHEREAS**, the Council approved an amended and restated contract
29 with Waste Pro of Florida, Inc. ("Waste Pro") pursuant to Ordinance
30 2013-39-E (the "Contract"), a First Amendment to the Contract

1 pursuant to Ordinance 2014-284-E, and a Second Amendment to the
2 Contract pursuant to Ordinance 2017-59-E; and

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

9 **WHEREAS**, pursuant to Section 382.390(b)(7), *Ordinance Code*,
10 the Mayor has recommended specific markups to expenses as more
11 fully set forth herein; and

12 **WHEREAS**, the Council has established a rate to be paid to
13 Waste Pro; 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
17 in **Exhibit 2**, attached hereto and incorporated herein by this
18 reference, are hereby approved, and the Mayor, or his designee, and
19 the Corporation Secretary are hereby authorized to execute the
20 Third Amendment to the Amended and Restated Agreement for
21 Residential Waste and Recycling Collection and Transportation
22 Services between the City and Waste Pro, in substantially the same
23 form attached hereto as **Exhibit 1** and incorporated herein by this
24 reference, which incorporates the terms set forth in **Exhibit 2**.

25 **Section 2. Mark-up on Expenses.** The monthly base
26 rate component of \$14.23 set forth in **Exhibit 2** represents a mark-
27 up of 10.00% from agreed upon operating expenses of \$11,985,122.00
28 before profit, interest expenses, and corporate taxes, which mark-
29 up is based on the Mayor's recommendation pursuant to Section
30 382.309(b)(7), *Ordinance Code*.

31 **Section 3. Oversight.** The Solid Waste Division of the

1 Department of Public Works shall oversee the Residential Collection
2 Agreement described herein.

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

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7 Form Approved:

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9 /s/ James R. McCain, Jr.

10 Office of General Counsel

11 Legislation prepared by: James R. McCain, Jr.

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