

**ORDINANCE NO. 2017-022**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, EXTENDING THE FRANCHISE AGREEMENT WITH REPUBLIC SERVICES OF FLORIDA, L.P., D/B/A ALL SERVICE REFUSE, DATED SEPTEMBER 22, 2011, FOR AN ADDITIONAL TWO (2) YEAR PERIOD UNDER THE SAME TERMS AND CONDITIONS CURRENTLY IN EFFECT IN ORDER TO PROVIDE FOR CONTINUED SOLID WASTE AND RECYCLING SERVICES WITHIN THE CITY OF COCONUT CREEK; AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED THIRD AMENDMENT TO THE FRANCHISE AGREEMENT BETWEEN THE CITY AND REPUBLIC SERVICES OF FLORIDA, L.P., D/B/A ALL SERVICE REFUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Republic Services of Florida, L.P., d/b/a All Service Refuse (“Contractor”) is in the business of providing non-hazardous solid waste collection, transportation, and disposal services; and

**WHEREAS**, the City desires that the Contractor provide such services to the residents and businesses of the City; and

**WHEREAS**, the Contractor desires to perform and provide such services as required by the City; and

**WHEREAS**, the parties desire to extend the Agreement for an additional two (2) year term, as contemplated by the Agreement, beginning on October 1, 2017, and ending on September 30, 2019, as provided in Article I, “Franchise,” of the Agreement between the City of Coconut Creek and Republic Services, L.P., d/b/a All Service Refuse, dated September 22, 2011 (“Agreement”); and

**WHEREAS**, the parties intend that all terms and conditions as stated in the Agreement, and thereafter amended by the First Amendment to the Agreement dated January 1, 2016, (“First Amendment”) and the Second Amendment to the Agreement

dated July 28, 2016, (“Second Amendment”) shall remain in full force and effect, subject only to the minor amendments contained herein, identified as the Third Amendment to the Agreement, attached hereto and made a part hereof as Exhibit “1;” and

**WHEREAS**, the City and Contractor have mutually agreed upon the terms and conditions, as modified herein and as allowed by Florida law; and

**WHEREAS**, the City has the ability to enter into this Agreement, as amended, under Florida Law and its Home Rule Powers for the protection of the public health, safety, and welfare of its residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1: Ratification.** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. All Exhibits attached hereto are incorporated herein and made a specific part of this Ordinance.

**Section 2:** That the City Commission hereby approves the attached Third Amendment to the Agreement with Republic Services of Florida, Limited Partnership, doing business as All Service Refuse, for furnishing solid waste and recycling collection services within the City of Coconut Creek.

**Section 3:** That the City Manager, or designee, is hereby authorized to execute the attached Third Amendment to the Agreement with Republic Services of Florida, Limited Partnership, doing business as All Service Refuse, for furnishing Solid Waste and Recycling Collection Services within the City of Coconut Creek.

**Section 4: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 5: Severability.** That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 6: Effective Date.** That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 25<sup>TH</sup> DAY OF MAY, 2017.

PASSED SECOND READING THIS 8<sup>TH</sup> DAY OF JUNE, 2017.

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Rebecca A. Tooley, Mayor

Attest:

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Leslie Wallace May, City Clerk

	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>
Tooley	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>