

ORDINANCE NO. 2021-001

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE FRANCHISE AGREEMENT BETWEEN THE CITY AND REPUBLIC SERVICES OF FLORIDA, L.P. D/B/A ALL SERVICE REFUSE DATED SEPTEMBER 10, 2019; TO PROVIDE FOR AMENDMENTS RELATED TO SOURCE SEPARATED RECYCLING, INCLUDING A WAIVER TO PERMIT RECYCLING TO BE COLLECTED AND TRANSPORTED WITH GARBAGE AND RUBBISH TO THE TRANSFER STATION AT THE WHEELABRATOR NORTH BROWARD RESOURCE RECOVERY FACILITY AND PROVIDING FOR A RATE ADJUSTMENT DUE TO CHANGES IN THE RECYCLING PROGRAM AS WELL AS A TEMPORARY RATE ADJUSTMENT DUE TO THE FORCE MAJEURE COSTS ASSOCIATED WITH THE COVID-19 PANDEMIC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City entered into an exclusive franchise agreement for the collection of solid waste and recyclable materials with Republic Services of Florida, L.P. d/b/a All Service Refuse, on September 10, 2019 (“Agreement” attached hereto as Exhibit “A”); and

WHEREAS, the City is desirous of amending the Agreement by a First Amendment (“Amendment No. 1” attached hereto as Exhibit “B”) to provide for amendment to certain provisions within the Agreement related to recycling based on recent changes to market conditions that make source separated recycling collection in the traditional sense impractical; and

WHEREAS, the parties desire to amend the Agreement to provide a new plan for handling source separated recyclable materials and include a waiver to permit source separated recycling to be collected and transported with garbage or rubbish per Section 14.7 of the Agreement; and

WHEREAS, the parties also desire to amend the Agreement to provide for a rate increase due to changes in the recycling program as well as a temporary rate adjustment due to the Force Majeure event costs associated with the COVID-19 pandemic.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

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. Exhibits “A” Amendment No. 1 to the Franchise Agreement between the City of Coconut Creek and Republic Services of Florida, L.P. d/b/a All Service Refuse dated September 10, 2019 (“Amendment No. 1”) and “B” the Franchise Agreement (“Agreement”), attached hereto, are incorporated herein and made a specific part of this ordinance.

Section 2: That the City Commission hereby approves the Amendment No. 1 to the Agreement.

Section 3: That the City Manager, or designee, is hereby authorized to execute the Amendment No. 1 to the Agreement.

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 26TH DAY OF AUGUST, 2021.

PASSED SECOND READING THIS 9TH DAY OF SEPTEMBER, 2021.

Rebecca A. Tooley, Mayor

Attest:

Marianne Bowers, Interim City Clerk

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

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