

CITY OF SANIBEL

RESOLUTION 12-065

A RESOLUTION APPROVING 2 ONE YEAR EXTENSIONS TO THE TERM OF THE FRANCHISE AGREEMENT BETWEEN THE CITY OF SANIBEL AND VEOLIA ES SOLID WASTE SOUTHEAST, INC. (“VEOLIA”) TO OPERATE THE SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE COLLECTION AND DISPOSAL SERVICE WITHIN THE TERRITORIAL LIMITS OF THE CITY OF SANIBEL, FLORIDA; ACKNOWLEDGING VEOLIA’S COMMITMENT THAT THE SOLID WASTE, RECYCLABLES AND HORTICULTURAL COLLECTION AND DISPOSAL SERVICE COSTS CHARGED BY VEOLIA TO THE CITY FOR THE NEXT 2 FISCAL YEARS (FY 2012-2013 AND FY 2013-2014) SHALL BE NO GREATER THAN SUCH CHARGES TO THE CITY FOR FISCAL YEAR 2011-2012; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel, after necessary and appropriate requests for proposals during Fiscal Year 2009-2010, deemed it in the best interests of the City of Sanibel to enter into a five (5) year Franchise Agreement with Veolia ES Solid Waste Southeast, Inc. (“Veolia”) through Ordinance No. 10-004; and

WHEREAS, as of September 30, 2012, 2 years of the 5 year term will have been completed; and

WHEREAS, Ordinance No. 10-004 and the Franchise Agreement provide that the term of the agreement may be extended for a maximum of 2 additional one year terms upon the mutual agreement of the City and Veolia; and

WHEREAS, the City has found that the services and operations of Veolia with respect to the collection and disposal of Solid Waste, Recyclables and Horticultural Waste for the past two years within the City of Sanibel have met the expectations and requirements of the City of Sanibel; and

WHEREAS, Veolia has committed to keep its costs and charges for collection of Solid Waste, Recyclables and Horticultural Waste billed to the City of Sanibel for the next 2 fiscal

years (FY 2012-2013 and FY 2013-2014) at an amount no greater than such costs and charges billed to the City of Sanibel and approved by City Council for the current (2011-2012) Fiscal year; and

WHEREAS, the City Council finds it appropriate and in the best interests of the citizens of the City of Sanibel to approve 2 one year extensions to the term of the Franchise Agreement;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanibel, Florida;

SECTION 1. The Franchise Agreement between the City of Sanibel and Veolia as set forth and approved in Ordinance No. 10-004 is hereby confirmed and ratified.

SECTION 2. The original 5 year term of the Franchise Agreement as set forth in Ordinance No. 10-004 is hereby extended for 2 additional one year terms, thereby extending the termination date of the Franchise Agreement from September 30, 2015 to September 30, 2017. Such extended term is and shall be under the same terms, commitments, conditions, obligations and rights as the original term of the Franchise Agreement as set forth in City of Sanibel Ordinance No. 10-004, with all incorporated attachments.

SECTION 3. As additional consideration for the 2 one year extensions to the term of the Franchise Agreement as set forth in this Resolution, Veolia ES Solid Waste Southeast, Inc. commits, guarantees and agrees that its costs and charges for its Solid Waste, Recyclables and Horticultural Waste operations billed to the City of Sanibel for Fiscal Year 2012-2013 and Fiscal Year 2013-2014 shall be no greater than such charges as billed to the City of Sanibel and approved by Sanibel City Council for the 2011-2012 Fiscal Year.

SECTION 4. Effective date. This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this

17th day of July, 2012.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler, City Attorney

Date

Vote of Council Members:

Ruane _____
Denham _____
Congress _____
Harrity _____
Jennings _____

Date filed with City Clerk: _____

THIS RESOLUTION PROVIDING FOR A 2 YEAR TERM EXTENSION AND SETTING FORTH THE AGREED CONDITIONS FOR SUCH TERM EXTENSION IS ACCEPTED, APPROVED AND AGREED TO THIS ____ DAY OF _____, 2012 BY:

VEOLIA ES SOLID WASTE SOUTHEAST, INC.

BY: _____

PRINTED NAME: _____

PRINTED TITLE: _____

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2012 by _____, the _____(title) of Veolia ES Solid Waste Southeast, Inc., who is personally known to me or produced _____ as identification and who did not take an oath.

(Seal)

Signature of Notary Public

(Print, type or stamp commissioned
Name of Notary Public)