

ORDINANCE NO. 2014-09

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA; APPROVING A SOLID WASTE AND RECYCLING COLLECTION FRANCHISE AGREEMENT BY AND BETWEEN THE CITY AND REPUBLIC SERVICES OF FLORIDA, LIMITED PARTNERSHIP; GRANTING A THREE YEAR FRANCHISE TO PROVIDE SOLID WASTE AND RECYCLING COLLECTION SERVICES WITHIN THE CITY OF POLK CITY; SETTING FORTH FINDINGS; PROVIDING FOR SEVERABILITY, REPEAL OF ORDINANCES IN CONFLICT, AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF POLK CITY, FLORIDA:

Section 1. Approving the Solid Waste and Recycling Franchise and approving a Franchise Agreement with Republic Services. The City Commission of the City of Polk City, Florida hereby approves, ratifies, and confirms as to form and content the Solid Waste and Recycling Franchise Agreement with **REPUBLIC SERVICES OF FLORIDA, LIMITED PARTNERSHIP** (hereafter "Republic Services) a copy of which is attached hereto as Exhibit A and incorporated herein by reference, and a three year exclusive franchise is hereby granted to Republic Services to provide exclusive residential and commercial solid waste and recycling collection services within the City of Polk City. This exclusive franchise shall begin January 1, 2015, and expire on December 30, 2017, unless terminated in accordance with the conditions contained in the attached agreement.

Section 2. Findings. In adopting this Ordinance, the City Commission of the City of Polk City (the "City Commission") hereby makes and expresses the following findings, purposes, and intent:

1) Chapter 166 of the Florida Statutes empowers the City to regulate certain activities within the City limits and to carry out certain City services by means of a franchise.

2) The City Commission adopted Ordinance No. 2012-1291 entitled the "Solid Waste Franchise Standards Ordinance".

3) Pursuant to Ordinance No. 2012-1291, by ordinance, the City may grant a solid waste hauling and disposal franchise to any one franchisee or multiple solid waste collection service franchisees which the City finds capable of meeting the requirements of Ordinance No. 2012-1291 to operate its business within the rights-of-way in the City.

4) The City conducted a duly advertised Request for Proposals #14-01 for Residential Curbside Solid Waste Service & Commercial Solid Waste Service.

5) Republic Services submitted a proposal to the City to be the City's exclusive service provider for residential and commercial solid waste and recycling collection service.

6) After a public hearing held on October 20, 2014, the City was authorized to negotiate a new franchise agreement with Republic and has found that Republic Services has met the requirements of Ordinance No. 2012-1291.

7) The attached Solid Waste and Recycling Franchise Agreement has been negotiated by and between the City and Republic Services and incorporates the terms and conditions set forth in Ordinance No. 2012-1291 and the RFP #14-01.

8) In exercise of its authority, the City Commission has determined it to be necessary and desirable to enter into a franchise agreement with Republic Services for the collection of solid waste and recycling within the City limits as described above.

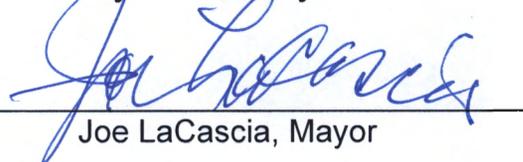
Section 3. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full effect.

Section 4. Conflicts. Should any provision contained in this Ordinance conflict with any prior provision of the Code or any City Ordinance, then the provisions of this Ordinance shall control.

Section 5. Effective Date. This Ordinance shall become effective immediately after its final passage and adoption.

INTRODUCED AND PASSED on First Reading the 17th day of November, 2014.

City of Polk City



Joe LaCascia, Mayor

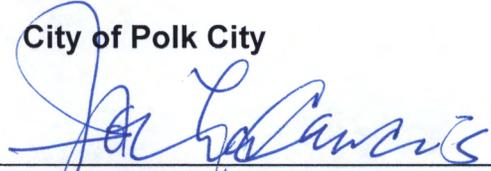
Attest:



Sheandolen P. Dunn, Deputy City Clerk

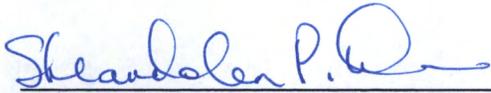
PASSED AND DULY ADOPTED, on Second Reading with a quorum present and voting, by the City Commission of City of Polk City, Florida, this 15th day of December, 2014.

City of Polk City



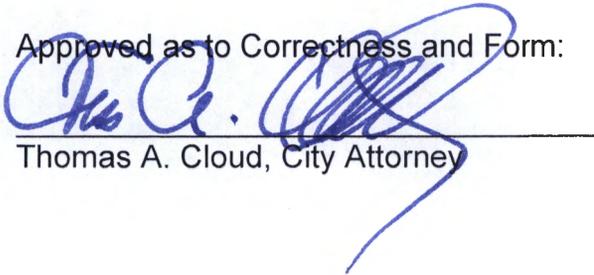
Joe LaCascia, Mayor

Attest with Seal:



Sheandolen P. Dunn, Deputy City Clerk

Approved as to Correctness and Form:



Thomas A. Cloud, City Attorney