

RESOLUTION NO. 23-18

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA, APPROVING AND AUTHORIZING THE EXECUTION OF THE SEVENTH AMENDMENT TO THE ORIGINAL AGREEMENT BETWEEN THE CITY OF COOPER CITY AND WASTE MANAGEMENT, INC. OF FLORIDA, ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN; AUTHORIZING AND DIRECTING THE APPROPRIATE CITY OFFICIALS TO TAKE ANY AND ALL ACTION NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about January 23, 2001, the City of Cooper City and Waste Management, Inc. of Florida ("WM") entered into a Collection Services Agreement, whereby the City granted the WM a franchise to serve as the City's solid waste collection services provider (the "Original Agreement"); and

WHEREAS, on or about June 13, 2006, the City and WM entered into the First Amendment to the Original Agreement, thereby extending the initial term of the Original Agreement through June 1, 2009; and

WHEREAS, on or about December 9, 2008, the City and WM entered into the Second Amendment to the Original Agreement, thereby further extending the initial term through June 1, 2012; and

WHEREAS, on or about September 26, 2011, the City and the WM entered into the Third Amendment to the Original Agreement, thereby again extending the initial term through June 1, 2015; and

WHEREAS, on or about March 27, 2012, the City and the WM entered into the Fourth Amendment to the Original Agreement, thereby establishing the City's participation in the WM's Organics Pilot Recycling Pilot Program; and

WHEREAS, on or about April 22, 2014, the City and the WM entered into the Fifth Amendment to the Original Agreement, thereby extending the initial term through June 1, 2018; and

WHEREAS, on or about April 10, 2018, the City and the WM entered into the Sixth Amendment to the Original Agreement, thereby further extending the initial term through September 30, 2023; and

WHEREAS, the City has been working diligently and in good faith to finalize its solid waste competitive solicitation process; however, it is not anticipated to be completed prior to the expiration of the Sixth Amendment; and

WHEREAS, due to the exigent and emergency circumstances associated with the timing of the City's procurement process, the City's professional staff have recommended a limited extension to the Original Agreement; and

WHEREAS, in an effort to ensure no disruption of service, the City and WM have agreed to a six-month extension of the Original Agreement, subject to the terms and conditions set forth herein, in order for the City to finalize its competitive solicitation and award a successor contract for solid waste hauling services; and

WHEREAS, the City Commission finds that entering into the Seventh Amendment to the Original Agreement with WM is in the best interests of the City and will protect the health, safety and welfare of its citizens and residents.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION
OF THE CITY OF COOPER CITY, FLORIDA:**

Section 1: **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed. All exhibits attached hereto and incorporated herein and made a part hereof.

Section 2: That the Seventh Amendment to the Original Agreement between the City and Waste Management, dated January 23, 2001, attached hereto as Exhibit “A” is hereby approved.

Section 3. That the appropriate City officials are authorized and directed to take any and all action necessary to effectuate the intent of this resolution.

Section 4. **Conflicts.** All resolutions inconsistent or in conflict herewith shall be and are hereby repealed insofar as there is conflict or inconsistency.

Section 5. **Severability.** If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this resolution.

Section 6. **Effective Date.** This Resolution shall become effective upon its passage and adoption by the City Commission.

PASSED AND ADOPTED this ____ day of _____, 2023.

GREG ROSS
Mayor

ATTEST:

TEDRA ALLEN
City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE CITY ATTORNEY

ROLL CALL

Mayor Ross _____
Commissioner Green _____
Commissioner Shrouder _____
Commissioner Katzman _____
Commissioner Mallozzi _____