



## ITEM SUMMARY

**MEETING DATE:** December 19, 2022

**FROM:** Monica Powery, Director, Purchasing

**SUBJECT:** Franchise Agreement Commercial Rate Amendment

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### BACKGROUND

The City of Greenacres approved Ordinance No. 2019-08 the franchise agreement with Advanced Disposal Services Solid Waste Southeast, Inc. ("Advanced") for solid waste collections with an initial term of October 1, 2019 through September 30, 2024 ("Franchise Agreement"). Section 6-276 of the City's Code of Ordinances incorporates the Franchise Agreement into the Code and addresses the terms, conditions, and continuation of the Franchise Agreement

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### ANALYSIS

The City and Advanced have previously revised the rates for the residential collections by resolution consistent with the uniform method for non-ad valorem assessments (Section 197.3632, Florida Statutes); and in reviewing the proposed commercial rates for FY 2023, it was discovered that the Franchise Agreement does not specify how the commercial rates are to be amended. Since the commercial rates are subject to change under the Franchise Agreement, the City desires to clarify that all rates in the Franchise Agreement may be amended by City Council resolution; and the City Council of the City of Greenacres finds amending Section 6-276 of the City's Code of Ordinances to address amendments to the rates set forth in the Franchise Agreement is in the best interests of the City, its residents and all Solid Waste customers and serves a valid public purpose.

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### FINANCIAL INFORMATION

N/A

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### LEGAL

The City Attorney has reviewed the item and all supporting documents for legal sufficiency and compliance.

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### STAFF RECOMMENDATION

Approval to clarify language in the Solid Waste Franchise Agreement. Increase in the commercial rate must be made by City Council resolution through the adoption of Ordinance 2022-38.