

STATE OF LOUISIANA
CITY OF WEST MONROE

ORDINANCE NO. _____

MOTION BY: _____

SECONDED BY: _____

AN ORDINANCE TO AUTHORIZE THE CITY OF WEST MONROE, LOUISIANA TO COMMIT TO SELL AND THEREAFTER TO TRANSFER CERTAIN DESCRIBED TANGIBLE NON-CONSUMABLE MOVABLE PROPERTIES WHICH ARE NOT NEEDED FOR ANY PUBLIC PURPOSES BY THE CITY OF WEST MONROE, LOUISIANA, TO A QUALIFIED MATERIALS RECYCLER WHICH COMMITS TO PURCHASE ON AN ON-GOING BASIS, THE HIGH BIDDER TO BE DETERMINED THROUGH INTERNET COMPUTER AUCTION PURSUANT TO R.S. 33.4711.1; THE CITY OF WEST MONROE, LOUISIANA RESERVING THE RIGHT TO REJECT ANY AND ALL OFFERS AND/OR TO REMOVE ALL OR ANY PORTION OF THAT MOVABLE PROPERTY FROM THE PROPOSED OBLIGATION TO TRANSFER, IF APPROPRIATE; TO AUTHORIZE EXECUTION OF AN AGREEMENT REFLECTING THE TERMS AND PROVISIONS OF THE TRANSFER ARRANGEMENT; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the public disposes of items of tangible non-consumable movable items having of no value but which are susceptible of recycling, and;

WHEREAS, the City of West Monroe, Louisiana, collects those items which are susceptible of recycling from the public, none of which items has any public purpose, and

WHEREAS, the collection of those items susceptible of recycling reduces the burden on the City for the collection of garbage within the City, and assists in limiting the fees charged for all garbage and trash disposal by reducing the quantities otherwise transported to the local landfills; and

WHEREAS, by sorting and baling the collected items and contracting with a qualified materials recycler, the costs incurred by the City are offset by the amounts to be received by the City by the materials recycler upon its receipt of those collected, sorted, and baled items, resulting in a benefit to the City and to the public.

NOW, THEREFORE:

SECTION 1. BE IT ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that the City of West Monroe, Louisiana, hereby declares the following desired movable items disposed of by the public and gathered and collected by the City have no public purpose or use by the City of West Monroe, Louisiana and, to any extent appropriate, is therefore declared surplus, and the City of West Monroe, Louisiana is hereby authorized to commit to transfer all those types of collected items described to a qualified materials recycler qualified to do business and currently doing business within the State of Louisiana which correspondingly commits to purchase and acquire all available described materials for a period

of at least one (1) year at an established standard price, all to be determined through internet computer auction pursuant to the provisions of R.S. 33:4711.1 and/or other applicable laws, and all upon the terms and provisions set forth below; and after award, to evidence this agreement to transfer and receive under the required terms and conditions through a written agreement which further defines those terms and the further conditions of the agreement. That movable property which is the subject of this proposed transaction is more particularly described as all listed materials below which are generated by or acquired by the City, as follows, to-wit:

Material Type	Estimated TPM	Purchase Price
OCC (Corrugated cardboard boxes)	5-15	HS SW (-) \$40
PET (Polyethylene terephthalate), baled	5,000 lbs	\$0.01 per lb
HDPE (High density polyethylene), colored, baled	7,000 lbs	\$0.04 per lb
HDPE (High density polyethylene), natural, baled	1,500 lbs	\$0.25 per lb

all F.O.B @ 2305 North 7th St, West Monroe, LA, and shall require execution of an agreement which includes a commitment to purchase for no less than one (1) year, and must provide and include that the successful bidder ("Buyer") must agree to buy, and City shall agree to sell, those grades of recyclable materials (the "Materials") in the type and estimated quantities generated in accordance with the listing above. The Materials will conform to the specifications described in the most recently published ISRI Scrap Specifications Circular and such other industry standard specifications. The items will not contain any items other than the Material Type shown, including but not limited to non-recyclable materials, hazardous materials, toxic substances or pollutants, contaminants, infectious wastes, medical wastes, animal wastes, or radioactive wastes (collectively, "Excluded Waste"), each as defined by applicable federal, state or local laws or regulations.

Buyer shall pay City a purchase price for each ton of Materials (the "Purchase Price") which shall be no less than shown on the "listing" set forth in the above. The Purchase Price shall be adjusted monthly based upon the first issue of the PPI Pulp & Paper Week publication each month. In the event the PPI Pulp & Paper Week publication either (i) changes pricing policy, (ii) ceases to publish, or (iii) no longer reasonably reflects the value of the Materials, then Buyer and City shall attempt in good faith to agree on a mutually-acceptable alternative method of establishing the purchase price.

Buyer shall be responsible for all delivery and Material collection costs. Payment shall be made within thirty (30) days of Buyer's acceptance of the Materials. Title and risk of loss shall pass from City to Buyer upon departure from City's facility. Buyer shall always have the right to inspect, accept, or reject the Materials at any time for non-conformance with the applicable specifications.

Either party may terminate the proposed Agreement by written notice to the breaching party if the breaching party fails to cure any default in the performance of any covenant or obligation under the Agreement within thirty (30) days after the breaching party receives written notice of the breach.

SECTION 2. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that the use of any method or means allowed by R.S. 33:4711.1, or other applicable law, is hereby approved.

SECTION 3. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that if determined or appropriate, Staci Albritton Mitchell, Mayor of the City of West Monroe, Louisiana, or her designee,

then the City of West Monroe, Louisiana, shall have the right to reserve the right to reject any and all bids and/or remove any and all portion of the movable property from the auction sale prior to its being offered, and/or sold, all with or without a minimum price, and that the terms, conditions and provisions of that sale are to be for cash at time of sale, and except as otherwise expressly provided above, all items to be sold in “as is” condition.

SECTION 4. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that Staci Albritton Mitchell, as Mayor of the City of West Monroe, Louisiana, be and she is hereby authorized to pay any necessary costs associated with the sale from the proceeds of the sale.

SECTION 5. BE IT FURTHER ORDAINED by the Mayor and Board of Aldermen of the City of West Monroe, Louisiana, in regular and legal session convened, that Staci Albritton Mitchell, Mayor of the City of West Monroe, Louisiana, or her designee, is hereby authorized to take any and all other action and to execute any and all documentation as is necessary or desirable in order to further effectuate the provisions of this ordinance, including but not limited to execution of any and all bills of sale or other documents in order to evidence transfers of title of the movable property which is sold.

The above Ordinance was read and considered by Sections at a public meeting of the Mayor and Board of Aldermen, in regular and legal session convened, voted on by yea or nay vote, this 21st day of November, 2023, the final vote being as follows:

YEA: _____

NAY: _____

NOT VOTING: _____

ABSENT: _____

ATTEST:

APPROVED THIS 21ST DAY OF
NOVEMBER, 2023

CINDY EMORY, CITY CLERK
CITY OF WEST MONROE
STATE OF LOUISIANA

STACI ALBRITTON MITCHELL, MAYOR
CITY OF WEST MONROE
STATE OF LOUISIANA

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