

(Mayor Potter)

CITY OF KIRTLAND

RESOLUTION NUMBER 19-R-69

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE SECOND AMENDMENT TO THE SOLID WASTE AND RECYCLING COLLECTION CONTRACT WITH WASTE MANAGEMENT OF OHIO, INC., AND DECLARING AN EMERGENCY.

WHEREAS, on November 9, 2013, the City and Waste Management of Ohio, Inc., executed a contract for the collection and disposal of residential solid waste, municipal services solid waste and a curbside recycling program to serve the City; and

WHEREAS, the contract was renewed for an additional five years by mutual agreement of the parties, and the current term of the contract as extended by said renewal, pursuant to Resolution No. 18-R-46, has been extended through December 31, 2023; and

WHEREAS, the parties executed a First Amendment to the contract relative to increased recycling costs; and

WHEREAS, the costs of recycling have again increased and the City desires to maintain a sustainable recycling program; and

WHEREAS, the Mayor and City Council agree to the increase in recycling costs in accordance with the terms contained in the Second Amendment to The City of Kirtland Solid Waste and Recyclable Contract which is attached hereto as Exhibit "A", and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kirtland, County of Lake and State of Ohio, that:

SECTION I: As set forth in the Second Amendment, marked Exhibit "A", attached hereto and made a part hereof, the current rate of \$3.31 should and will be increased by the annual 2% plus the \$0.18 additional recycle cost to a total of \$3.55 per home for the contract year from January 1, 2020 to December 31, 2020 (the "PI Period"). The City of Kirtland and Waste Management of Ohio, Inc. agree to review the pricing for increase and/or decrease recalculation at the end of the PI Period and every 12 months thereafter for the duration of the Contract as the same may be hereafter renewed and extended.

SECTION II: The Mayor is hereby authorized and directed to enter into the Second Amendment to the Solid Waste and Recycling Contract with Waste Management of Ohio, Inc., the terms and conditions of such amendment are set forth in Exhibit "A" attached hereto and made a part hereof.

SECTION III:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) That this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to meet the needs of the municipality; wherefore this Resolution shall be in full force and take effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Resolution shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his approval on this _____ day of _____, 2019.

ATTEST:

Approved by the Mayor, this _____ day of _____, 2019.

Clerk of Council
Waste Mgmt Solid Waste & Recycle 2nd Amend.

Mayor Kevin F Potter

**SECOND AMENDMENT TO
CITY OF KIRTLAND SOLID WASTE AND RECYCLABLE CONTRACT**

This Amendment ("Amendment") is made and entered into this ____ day of December, 2019 by and between the CITY OF KIRTLAND, an OHIO municipal corporation ("CITY") and WASTE MANAGEMENT OF OHIO, Inc. an OHIO corporation ("WMO").

WHEREAS, the CITY and WMO executed a contract on November 9, 2013, and a First Amendment to the contract dated September 27, 2018 (collectively the "Contract"); and

WHEREAS, the current term of the Contract, as amended, extends through December 31, 2023; and

WHEREAS, the parties now wish to amend the Contract pricing as provided herein.

NOW, THEREFORE, the parties agree to amend the Contract as follows:

1. Price Adjustment: The Contract residential unit rate for monthly service shall be increased as of January 1, 2020 according to the Increase/Home/Month ("Price Increase") listed in the following table:

Community	Contract Exp Date	Current Recycle Process Cost/Ton	Expected Recycle Process Cost/Ton	Increased Recycle Cost/Ton	Avg. Mthly Recycle Tons	Home Count	Increase/Home/Month
City of Kirtland	12/31/2023	\$108.96	\$59.20	\$49.76	7.44	2011	0.18

The current rate of \$3.31 will be increased by the annual 2% plus the \$0.18 cent additional recycle cost to a total of \$3.55 per home for the contract year from January 1, 2020 to December 31, 2020 (the "PI Period"). The parties agree to review the pricing for increase/decrease recalculation at end of PI Period, and every 12 months thereafter.

2. Other Provisions: Unless otherwise amended herein, all other terms and conditions of the Contract shall remain in full force and effect.

In Witness Whereof, the parties have executed this Amendment on the date and year first above written.

WITNESSES:

CITY OF KIRTLAND

By: _____

WITNESS:

WASTE MANAGEMENT OF OHIO, INC.

By: _____