

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
PURSUANT TO SECTION 1.08 OF THE CITY CHARTER,
CALLING FOR A REFERENDUM AUTHORIZING THE CITY
OF KEY WEST TO AMEND ITS CONTRACT FOR
RESIDENTIAL SOLID WASTE COLLECTION TO ALLOW
FOR TWICE A WEEK PICK UP; AUTHORIZING THE CITY
CLERK TO TAKE ALL NECESSARY ACTION TO PLACE
THIS MEASURE ON THE BALLOT FOR OCTOBER 6,
2015; PROVIDING FOR SEVERABILITY; PROVIDING
FOR REPEAL OF INCONSISTENT PROVISIONS;
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on May 6, 2014, the City Commission awarded the bid
of Waste Management Inc. (WMI) of Florida in response to ITB 14-
009, and on June 25th a Contract was executed for the collection,
transfer and disposal of solid waste and recyclable materials and
transfer station operation; and

WHEREAS, the June 25th contract provided for twice a week pick
up of residential solid waste; and

WHEREAS, in Resolution 14-254, the City Commission approved
a First Amendment to Contract, which included a provision for
residential solid waste collection once per week; and

WHEREAS, the City Commission finds that members of the public
have expressed health and safety concerns resulting from once a
week residential solid waste collection; and

WHEREAS, chapter 58 of the City of Key West Code of Ordinances

governs Solid Waste services and specifies the process and procedure for establishing residential solid waste rates and charges; and

WHEREAS, given the financial and community wide impact of residential solid waste services and associated impact on residential recycling, the City Commission desires that the voters of the City of Key West express their views on the matter at the polls; and

WHEREAS, the current rate for once a week residential pick up of solid waste is \$13.51 per month; and

WHEREAS, the rate for twice a week pick up would be \$16.54.

WHEREAS, the deadline to have items to the Supervisor of Elections is mid-August in order to allow City voters the opportunity to vote in the October election as to whether the City of Key West should amend its contract with Waste Management to provide for twice weekly solid waste collection; and

WHEREAS, should the voters approve the referendum, the City Commission will amend its contract with Waste Management to specify twice weekly pick up of residential solid waste at the rate of \$16.54 and in accordance with ITB 14-009.

WHEREAS, should the voters approve the referendum, the City Commission will establish the new rate consistent with Chapter 58 of the City of Key West Code of Ordinances.

WHEREAS, Florida Statutes Section 101.161 provides procedures for a referendum and Florida Statutes Section 100.342 provides for notice for a referendum election; and

WHEREAS, the City Commission desires that the proposed referendum appear on the regularly scheduled election ballot of October 6, 2015;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST
FLORIDA:**

Section 1: That a referendum for twice a week residential solid waste pick up shall be held on October 6, 2015.

Section 2: That the question appearing on the ballot shall be titled: "Referendum - Authorization for City to amend its contract for solid waste services to provide for twice weekly residential trash pick up."

Section 3: That the ballot question shall be worded as follows:

"Shall the City of Key West amend its current contract with Waste Management Inc. to provide for twice weekly pick up of residential solid waste instead of the current once a week schedule for an increased cost of \$3.03 per

month for each residential unit?"

_____ Yes

_____ No

Section 4: That the City Clerk is hereby authorized and directed to take all necessary and proper action to place this question on the ballot of October 6, 2015 including the providing of notice of the election in accordance with law.

Section 5: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 6: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 7: This Ordinance shall go into effect immediately

upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a special meeting held this _____ day of _____, 2015.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2015.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2015.

Filed with the Clerk _____, 2015.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK