

RESOLUTION NO. 23-040

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING THE ATTACHED PROPOSED FOURTH AMENDMENT TO CONTRACT WITH WASTE MANAGEMENT OF FLORIDA, INC. (WMI) FOR AMENDMENTS TO ADJUST RESIDENTIAL COLLECTIONS RATES, THE HAUL-OUT RATE AND TO MODIFY THE BASIS FOR DETERMINING THE ANNUAL FUEL RATE ADJUSTMENTS; AUTHORIZING NECESSARY BUDGET TRANSFERS AND ADJUSTMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS UPON CONSENT OF THE CITY ATTORNEY; 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 25<sup>th</sup>, 2014 a Contract was executed for the collection, transfer and disposal of solid waste and recyclable materials and transfer station operation; and

WHEREAS, in Resolution No. 14-254, the City Commission approved a First Amendment to Contract, in Resolution No. 16-048 the City Commission approved a Second Amendment to Contract and in Resolution 21-259 the City Commission approved a third amendment to Contract amending solid waste and recycling collection service rates and certain provisions for residential and commercial units; and

WHEREAS, in Resolution 21-267, the City's contract with WMI was renewed for an additional four years, pursuant to the current contract and amendments, effective January 1, 2022; and

WHEREAS, in May, 2022, WMI submitted a request for certain proposed changes to the contract, to compensate for extraordinary increases in fuel costs, and a modification to the basis for determining the annual fuel rate adjustment. City staff negotiated terms with WMI, and recommends approval of the changes set forth in the attached Fourth Amendment to the Solid Waste Collections Contract; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Commission hereby approves the attached proposed Fourth Amendment to Contract between the City and Waste Management of Florida, Inc. for adjustments to the residential collections rate, the haul-out rate and to modify the basis for determining the Annual Fuel Rate Adjustment, retroactive to January 1, 2023.

Section 2: That necessary budget transfers from Unrestricted Reserves, Other Uses Account No. 403-3401-534-9900 in a total amount of up to \$219,340.00, are hereby authorized to Residential Collections, Professional Services Account No. 403-3404-534-3400 (\$69,332.00), Recycling Operations Account 403-3407-534-3400 (\$15,698.00) and to Hauling and Disposal Account No. 403-3405-534-3400 (\$134,400.00) to cover the rate increases. Any related budget transfers or adjustments are hereby authorized.

Section 3: That the City Manager is authorized to execute any necessary documents to enact these adjustments, upon consent of the City Attorney.

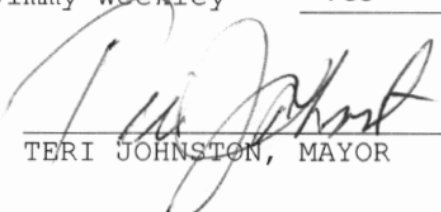
Section 4: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the Presiding Officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held  
this 7th day of February, 2023.

Authenticated by the Presiding Officer and Clerk of the  
Commission on 8th day of February, 2023.

Filed with the Clerk on February 8, 2023.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
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TERI JOHNSTON, MAYOR

ATTEST:

  
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CHERYL SMITH, CITY CLERK