

# City of Willoughby Hills

## ORDINANCE NO. 2020-12

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**AN ORDINANCE AUTHORIZING THE MAYOR TO AMEND THE CONTRACT BETWEEN BROWNING-FERRIS INDUSTRIES OF OHIO, INC. (BFI) AND THE CITY OF WILLOUGHBY HILLS FOR CITYWIDE TRASH AND RECYCLING PROGRAM TO INCLUDE SEASONAL YARD WASTE COLLECTION, REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**WHEREAS**, by way of Ordinance 2015-11, as adopted on March 12, 2015, the City of Willoughby Hills entered into a contract for a Citywide Trash and Recycling Program with Browning-Ferris Industries of Ohio, Inc. (BFI) with Allied/Republic Service administering the service; and

**WHEREAS**, pages 23 and 25 of the Exhibit on Ordinance 2015-11 (the signed contract) show the fees from years one (1) through ten (10) for weekly residential trash and recycling collection; and

**WHEREAS**, in a letter dated May 9, 2019, the City of Willoughby Hills was informed by Dave Kidder, Manager of Municipal Sales, Republic Services, Inc., 43650 Oberlin-Elyria Road, Oberlin, Ohio 44074, that the “recycling markets downward spiral” have resulted “in cost increases to reduce the residual percentages at their recycling facility” necessitating a fee increase of \$1.05 per household per unit per month effective July 1, 2019 and the original contract was amended to reflect this price increase in accordance with the contract provision in Section 2.4 of the original contract as shown on “Exhibit A”; and

**WHEREAS**, the City’s Trash & Recycle contract renews automatically on April 1<sup>st</sup> of each contract year with the opportunity for contract revisions permitted prior to automatic annual renewal; and

**WHEREAS**, in a January 14, 2020, meeting with BFI representatives Dave Kidder, Manager of Municipal Sales, and Rosanna Marchese, General Manager, the City requested that BFI propose a fee for citywide seasonal yard waste collection in the contract; and

**WHEREAS**, on February 5, 2020, BFI proposed an initial price of \$3.50 per month for eight months (April through November for seasonal yard waste collection), on the following terms and conditions:

- Unlimited weekly yard waste pickup (residents will use recyclable bags).
- All households must participate (except “yellow bag” limited service customers who will not receive any yard waste collection or be charged yard waste fees).
- Years 1, 2, and 3 (through March 31, 2023) would be at the monthly rate of \$3.50 for the eight months of service, billed over a twelve-month cycle at the rate of \$2.33 per month.
- Years 4 and 5 (through March 31, 2025), would be at the monthly rate of \$3.65 for the eight months of service, billed over a twelve-month cycle at the rate of \$2.43 per month.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO, THAT:**

**SECTION 1.** All Ordinances, or parts thereof in conflict with the provisions of this Ordinance be, and are hereby repealed as of the effective date of this Ordinance.

**SECTION 2.** The Mayor is hereby authorized and directed to sign any and all necessary documents amending the BFI contract for Citywide Trash and Recycle to include a yard waste collection provision, consistent with the foregoing terms and conditions.

**SECTION 3.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 4.** This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of waste removal and will ensure contract continuation. This ordinance shall be in full force and take effect from and after its adoption and approval by the Mayor.

PASSED: \_\_\_\_\_, 2020

Submitted to the Mayor for his approval  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2020

ATTEST:

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*Clerk of Council*

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**Christopher Hallum**  
*President of Council*

Approved by the Mayor

\_\_\_\_\_, 2020

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**G. Andrew Gardner**  
*Mayor*