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City of Willoughby Hills

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Vice President of Council

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VICTORIA ANN SAVAGE, CMC
Clerk of Council

LAURA LENZ

JANET MAJKA

LAURA PIZMOHT

ORDINANCE NO 2019-BFI CONTRACT AMENDMENT

AN ORDINANCE AMENDING THE CONTRACT BETWEEN BROWNING-FERRIS INDUSTRIES OF OHIO, INC. (BFI) AND THE CITY OF WILLOUGHBY HILLS FOR CITYWIDE TRASH AND RECYCLING PROGRAM AND REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.

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) indicates the fees from years one (1) through ten (10) for weekly residential 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

WHEREAS, Law Director James R. O’Leary reviewed Mr. Kidder’s letter of May 9, 2019, and the existing contract, with rates set for the length of the ten-year contract (April 1, 2015 through March 31, 2025), specifically, contract provision 2.4, which states: “The City shall reserve the right to allow the contractor to pass on associated costs of this contract to Willoughby Hills subscribers or the City of Willoughby Hills at any time under the following conditions: All proposed costs and services set forth in this agreement are subject to adjustment in the event of any future governmentally imposed new regulations, increased taxes, fees, surcharges or assessment imposed on the service being provided under this agreement, including the disposal of solid waste. The Contractor shall have the right to pass through its increased costs due to new or increased governmentally imposed tax, fee, surcharge or assessment, provided that it reasonably documents the amount of any increase and provides notice of any such increase prior to such increase taking effect”; and

WHEREAS, Law Director James R. O’Leary determined that Republic Services’ request to pass along an increase of \$1.05 per household per month (as outlined in the May 9, 2019, letter) is in compliance with the contract and should be permitted; and

WHEREAS, on June 11, 2019, an email was sent to Mr. Kidder at Republic Services by Mayor Robert Weger, agreeing to the price increase; and

WHEREAS, the ten-year rate schedule for the Citywide Trash & Recycle Program, previously listed in Ordinance 2015-11 has hereby been revised and is attached hereunto this Ordinance.

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 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 shall be in full force and effect at the earliest time permitted by law.

PASSED: _____, 2019

Nancy E. Fellows
President of Council

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

Approved by the Mayor:

_____, 2019

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor

**CITY OF WILLOUGHBY HILLS
TRASH & RECYCLE CONTRACT
REPUBLIC SERVICES (AKA BFI AND ALLIED)
EFFECTIVE 4/1/2015 THRU 3/31/2020
WITH OPTION TO RENEW 4/1/2020 THRU 3/31/2025**

Services and Rates (per month):

	2015-16 <u>1st yr.</u>	2016-17 <u>2nd yr.</u>	2017-18 <u>3rd yr.</u>	2018-19 <u>4th yr.</u>	2019-20 <u>5th yr.</u>	2020-21 <u>6th yr.</u>	2021-22 <u>7th yr.</u>	2022-23 <u>8th yr.</u>	2023-24 <u>9th yr.</u>	2024-25 <u>10th yr.</u>
One 96 gal. cart for trash & one 64 gal. cart for recycle	15.79	16.18	16.59	17.00	18.48	19.00	19.54	20.14	20.76	21.45
Cost per bag (for customers purchasing bags at City Hall)	3.25	3.35	3.45	3.55	3.65	3.75	3.85	3.95	4.05	4.15
One 64 gal. cart for recycle for bag customers	included in bag price.....									
Senior Rate for 96 gal. cart and 64 gal. cart (both services)	14.79	15.18	15.59	16.00	17.48	18.00	18.54	19.14	19.76	20.45

Fees for Large Item Pick Up:

Cost included in cart pricing for residents with full service (both carts)
\$12 per item for residents with bag service

Restrictions:

- Carpet (cut, rolled & tied into lengths not to exceed 4')
- Furniture (upholstered furniture must be bagged or wrapped in plastic to prevent bed bug transmission)
- Mattresses and box springs (must be bagged or wrapped in plastic to prevent bed bug transmission)
- Wood products (bundled and tied in lengths not to exceed 4')
- Items should not exceed 50# weight limit.
- Refrigerators must have Freon removed

Other changes to our current contract include:

Recyclable materials will now include #1 through #5 and #7 plastics, chipboard & corrugated cardboard.

Fuel fees are included in the price per month listed above. The residents nor the City will be billed for fuel fees.

Note: Original prices in the contract were increased on 7/1/19 by \$1.05 to reflect an increase in recycling rates. The above chart reflects these new rates.

For the complete contract, please refer to the City website (www.willoughbyhills-oh.gov). This sheet is intended to be a summary of services and rates.

ROBERT M. WEGER, MAYOR