

RESOLUTION NO. 21-08-68

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA APPROVING THE THIRD AMENDMENT TO THE AGREEMENT BETWEEN ADVANCED DISPOSAL SERVICES SOLID WASTE SOUTHEAST, INC. AND ISLAMORADA, VILLAGE OF ISLANDS TO PROVIDE RESIDENTIAL AND COMMERCIAL SOLID WASTE, YARD WASTE AND RECYCLING COLLECTION AND DISPOSAL SERVICES (EXCLUDING COMMERCIAL RECYCLING AND ROLL-OFF SERVICES); AUTHORIZING VILLAGE OFFICIALS TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AMENDMENT; AUTHORIZING THE VILLAGE MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Islamorada, Village of Islands (the "Village") has retained the services of Advanced Disposal Services Solid Waste Southeast, Inc. ("Advanced Disposal") for residential and commercial solid waste, yard waste and recycling collection and disposal services (excluding commercial recycling and roll-off services); and

WHEREAS, the Village Attorney has prepared a Third Amendment to the Agreement between Advanced Disposal and the Village (the "Amendment") to revise the start time for commercial collection services; and

WHEREAS, the intent of the Amendment is to revise Section 5.5 of the Agreement between Advanced Disposal and the Village; and

WHEREAS, Advanced Disposal has agreed to provide the services described in the Amendment; and

WHEREAS, the Village Council finds that approval of the Amendment attached hereto is in the best interest of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval of Amendment. The Village Council hereby approves the Third Amendment to the Agreement between Advanced Disposal and the Village (the "Amendment") to revise Section 5.5, a copy of which is attached as Exhibit "A," together with such non-material changes as may be acceptable to the Village Manager and approved as to form and legality by the Village Attorney.

Section 3. Authorization of Village Officials. The Village Manager and/or his designee and the Village Attorney are authorized to take all actions necessary to implement the terms and conditions of the Amendment.

Section 4. Authorization of Fund Expenditure. Notwithstanding the limitations imposed upon the Village Manager pursuant to the Village's Purchasing Procedures Ordinance, the Village Manager is authorized to expend budgeted funds to implement the terms and conditions of the Amendment.

Section 5. Execution of Amendment. The Village Manager is authorized to execute the Amendment on behalf of the Village, to execute any required agreements and/or documents to implement the terms and conditions of the Amendment and to execute any extensions and/or amendments to the Amendment, subject to the approval as to form and legality by the Village Attorney.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

Motion to adopt by Councilman Mark Gregg, second by Councilman David Webb.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III	ABSENT
Vice Mayor Pete Bacheler	YES
Councilman Mark Gregg	YES
Councilman Henry Rosenthal	YES
Councilman David Webb	YES

PASSED AND ADOPTED THIS 19TH DAY OF AUGUST, 2021.



PETER BACHELER, VICE MAYOR

ATTEST:



KELLY TOTTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY FOR
THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS:



ROGET V. BRYAN, VILLAGE ATTORNEY

THIRD AMENDMENT
TO AGREEMENT FOR
RESIDENTIAL AND COMMERCIAL SOLID WASTE, YARD WASTE AND
RECYLCING COLLECTION AND DISPOSAL SERVICES

BETWEEN
ISLAMORADA, VILLAGE OF ISLANDS
AND
ADVANCED DISPOSAL SERVICES SOLID WASTE SOUTHEAST, INC.

THIS AMENDMENT to the Agreement (the "Third Amendment") is made between **ADVANCED DISPOSAL SERVICES SOLID WASTE SOUTHEAST, INC.**, a Florida corporation ("Advanced Disposal"), and **ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA**, a Florida municipal corporation (the "Village").

WHEREAS, Advanced Disposal and the Village entered into a certain Agreement for Solid Waste, Yard Waste and Recycling Collection and Disposal Services (the "Agreement") effective January 1, 2014; and

WHEREAS, the parties entered into a First Amendment to modify Exhibit "B" to the Agreement effective April 20, 2017; and

WHEREAS, the parties entered into a Second Amendment to modify Exhibits "A," "B," and "C" to the Agreement to update pricing to reflect increases for prior CPI adjustments, to revise pricing for increased disposal costs and to revise language relating to CPI increases effective October 1, 2018, October 1, 2019, October 1, 2020 and future years; and

WHEREAS, the parties desire to enter into this Third Amendment to modify the hours of collection.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth in this Third Amendment, Advanced Disposal and the Village agree as follows.

Section 1. Amendment to Agreement. The Agreement is amended to read as follows:

5.5 **Hours of Collection.** Residential and ~~Commercial~~ Collection Services performed pursuant to this Agreement shall begin no earlier than 7:00 a.m. and shall be completed no later than 7:00 p.m. Monday through Saturday. **Commercial Collection Services performed pursuant to this Agreement shall begin no earlier than 6:00 a.m. and shall be completed no later than 7:00 p.m. Monday through Saturday.** Collection Services shall not take place on Sunday. In case of an emergency or breakdown of Collection Vehicles, Collection Services may be permitted on

Sundays or during times not permitted by this paragraph, provided CONTRACTOR has received prior verbal approval from the Village Manager, to be later evidenced by a written memorandum from the Village Manager confirming the approval. Exceptions to the hours and days of Collection Services set forth above shall be approved by the Village Manager.

Section 2. No Further Modifications. All other terms and conditions of the existing Agreement not in conflict or superseded by this Third Amendment shall remain in full force and effect as if set for the herein.

Section 3. Effective Date. This Third Amendment shall be effective upon full execution by all parties.

IN WITNESS WHEREOF, there parties execute this Third Amendment on the respective dates under each signature: The Village, signing by and through its Village Manager, attested to by its Village Clerk, and by Advanced Disposal by and through its principal.

Attest:

ISLAMORADA, VILLAGE OF ISLANDS

Kelly D. Toth
Kelly Toth, Village Clerk

By: [Signature]
Gregory J. Oravec, Village Manager

Date: 8/24/2021

**ADVANCED DISPOSAL SERVICES
SOLID WASTE SOUTHEAST, INC.**

By: David M. Myha
Signature

PRESIDENT
Title

09/01/21
Date

[Signature]
Witness