

RESOLUTION 49-09-21

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH WASTE MANAGEMENT, INCORPORATED AUTHORIZING THE TEMPORARY CONTINUATION OF SERVICES FOR ROLL-OFF CONTAINER COLLECTION SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town is a municipal corporation of the state of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town is empowered to enter into contractual arrangements with public agencies, private corporations or other persons; and

WHEREAS, on January 16, 2018, an application was received from Waste Management, Inc. in response to the Town's public solicitation for non-exclusive roll-off container franchises; and

WHEREAS, on March 7, 2018 the Town Commission approved the agreement with Waste Management, Inc. to provide roll-off container services to residents and businesses of the Town for a term of three years (the Agreement); and

WHEREAS, the Agreement expired on March 8, 2021, but WMI has continued to provide services in accordance with the terms of the Agreement; and

WHEREAS, the Town Manager has determined that it is in the Town's best interests to extend the Agreement to permit the Town sufficient time to solicit proposals from companies to provide roll-off container services in the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK:

Section 1. The whereas clauses are hereby incorporated herein.

Section 2. The Mayor is hereby authorized and directed to execute the amendment to the Agreement between the Town and Waste Management, Inc., a copy of which is incorporated herein by reference

Section 3. This Resolution shall take effect immediately upon its execution.

The foregoing Resolution was offered by Commissioner Flaherty, who moved its adoption. The motion was seconded by Commissioner Michaud and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR MICHAEL O'ROURKE	<u>✓</u>	—
VICE-MAYOR KIMBERLY GLAS-CASTRO	<u>✓</u>	—
COMMISSIONER ERIN FLAHERTY	<u>✓</u>	—
COMMISSIONER JOHN LINDEN	<u>✓</u>	—
COMMISSIONER ROGER MICHAUD	<u>✓</u>	—

The Town Commission thereupon declared the foregoing Resolution No. 49-09-21 duly passed and adopted this 1 day of September, 2021.

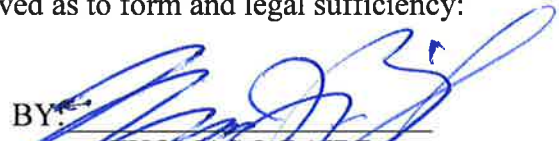
TOWN OF LAKE PARK, FLORIDA

BY: 
MICHAEL O'ROURKE
MAYOR

ATTEST:


VIVIAN MENDEZ
TOWN CLERK

Approved as to form and legal sufficiency:

BY: 
THOMAS J. BAIRD
TOWN ATTORNEY



**ADMENDMENT TO NON-EXCLUSIVE FRANCHISE AGREEMENT
FOR ROLL-OFF CONTAINER COLLECTION SERVICES
WITHIN THE TOWN OF LAKE PARK**

This Amendment to the Non-exclusive Franchise Agreement, is made this day of September, 2021, by and between the Town of Lake Park, Florida, (Town) whose address is 535 Park Avenue, Lake Park, Florida 33403 and Waste Management Inc. of Florida, a Florida corporation, with a business address at 1800 N. Military Trail, Suite 201, Boca Raton, Florida 33431 ("WMI").

WITNESSETH:

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes, including the authority to award non-exclusive franchises in the Town; and

WHEREAS, pursuant to Resolution 99-12-17, the Town Commission created a process for granting non-exclusive franchises for roll-off container collection services within the Town; and

WHEREAS, on March 7, 2018, the Town entered into a Non-exclusive Franchise Agreement (the Agreement) with WMI it to provide roll-off collections services in the Town; and

WHEREAS, the Agreement expired on March 8, 2021, but WMI has continued to provide roll-off container collection services in the Town under the same terms as contained in the Agreement, a copy ow which is attached hereto and incorporated herein; and

WHEREAS, the Town intend to solicit proposals for a non-exclusive franchise to provide roll-off container collection services in the Town; and

WHEREAS, WMI has agreed to continue to provide temporary roll-off container collection services in the Town under the same terms and conditions as provided for in the Agreement, until such time as the Town can solicit proposals and the Town Commission awards a non-exclusive franchise to the successful bidder for roll-off container collection services.

NOW THEREFORE, the Town and WMI, in consideration of the benefits flowing from each to the other do hereby agree as follows:

SECTION 1 – The “Whereas” clauses are true and correct and are incorporated herein.

SECTION 2. - Amendment of Agreement.

The Town and WMI hereby agree to extend the Non-Franchise Agreement for Roll-off Container Collection Services on a month to month basis based upon the same terms and conditions contained therein. The term of this extension shall be retroactive to March 8, 2021, and shall continue on a month to month basis until this Amendment to the Agreement is terminated in accordance with section 4.

SECTION 3. - Authorization to provide services.

WMI is hereby authorized to continue to provide, on a temporary basis, roll-off collection services only upon payment of the annual non-exclusive franchise fee, submission of proof of required insurance, and evidence of compliance with any other terms and conditions contained in the Agreement.

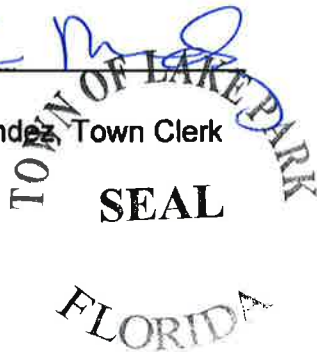
SECTION 4. – Term of non-exclusive franchise.

The term of the Agreement shall be extended retroactively March 8, 2021 and shall continue on a month to month basis. Each of the Town or WMI, as the case may be, shall provide the other with 30 days advance written notice of its intention to terminate this Amendment to the Agreement.

ATTEST:

By: _____

Vivian Mendez, Town Clerk



TOWN OF LAKE PARK

By: _____

Michael O'Rourke, Mayor

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: _____

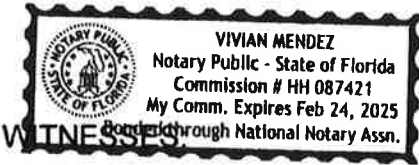
Thomas J. Baird, Town Attorney

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument has been acknowledged before me this 1 day of September 2021 by Michael O'Rourke, Mayor of the Town of Lake Park, and who is personally known to me.

(NOTARY SEAL)



Vivian Menendez
Notary Public, State of Florida

Franchisee: Waste Management Inc. of Florida

By: David Myhan

Its: President
David Myhan

By: [Signature]
Ronald Farias
Printed Name

By: [Signature]
Luke DeBock
Printed Name

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument has been acknowledged before me this 19th day of September 2021 by David Myhan, as President of Waste Management, and who is personally known to me or has produced as identification.

(NOTARY SEAL)



Notary Public, State of Florida
Odette A. Felix