

ORDINANCE NO. 1189-02-19

AN ORDINANCE AUTHORIZING ASSIGNMENT OF AN EXCLUSIVE FRANCHISE CONTRACT WITHIN THE CITY OF HONDO FROM ACI RECYCLING AND DISPOSAL (FORMERLY ALAMO1) TO BFI WASTE SERVICES OF TEXAS, LP D/B/A REPUBLIC SERVICES FOR THE COLLECTION, HAULING AND DISPOSAL OF RESIDENTIAL, COMMERCIAL AND INDUSTRIAL SOLID WASTE; AUTHORIZING THE CITY MANAGER OF THE CITY OF HONDO TO EXECUTE DOCUMENTS FOR ASSIGNMENT OF THE CONTRACT AND TO ESTABLISH AN EFFECTIVE DATE.

WHEREAS, the City Council entered into a solid waste disposal contract with Alamo1, pursuant to Ordinance 932-05-10 and such contract has been amended by City Council by Ordinance 1014-03-14 which extended the contract until September 20, 2018 and further amended by Ordinance No. 1182-08-18 which further extended the term of the agreement to September 30, 2022 (the "Franchise Contract"); and

WHEREAS, ACI Recycling and Disposal (formerly Alamo1) has notified City that it intends to sell and assign various assets, including the Franchise Contract, to BFI Waste Services of Texas, LP d/b/a Republic Services ("Republic"); and

WHEREAS, Section 13(h) of the Franchise Contract requires the vendor to obtain the City's approval of any assignment of the Franchise Contract; and

WHEREAS, the City Council of the City of Hondo has determined that such assignment of the contract is necessary to preserve or protect the public health of the citizens of Hondo, Medina County, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS, THAT:

SECTION 1. Assignment: The City Council approves and authorizes the assignment of the Franchise Contract to BFI Waste Services of Texas, LP d/b/a Republic Services.

- a. The Franchise Contract, as previously amended, will otherwise remain in full force and effect.
- b. The city manager is authorized to execute such documents reasonably necessary to effectuate formal assignment of the Franchise Contract.

SECTION 2. Incorporation of Recitals: The City Council finds the recitals in the preamble of this Ordinance are true and correct and incorporates them as findings of fact

SECTION 3. Severability: If any portion of this Ordinance shall, for any reason, be declared invalid, invalidity shall not affect the remaining provisions thereof.

SECTION 4. Repealer: All Ordinances, parts of Ordinances or Resolutions in conflict herewith are expressly repealed.

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective upon the adoption of this ordinance.

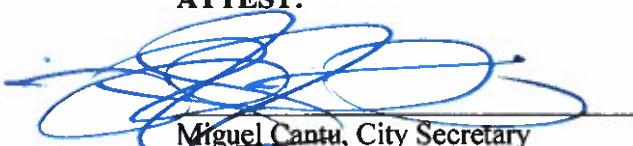
PASSED AND ADOPTED this 11th day of February, 2019.

APPROVED:



MAYOR JAMES W. DANNER

ATTEST:



Miguel Cantu, City Secretary

