ORDINANCE NO. 12-20

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN EXTENSION OF THE AGREEMENT FOR RESIDENTIAL AND COMMERCIAL COLLECTION, TRANSPORTATION AND DISPOSAL OF GENERAL REFUSE AND LANDSCAPE WASTE AND THE COLLECTION, TRANSPORTATION AND SALE OF RECYCLABLE MATERIALS IN THE CITY OF OAKBROOK TERRACE, ILLINOIS

WHEREAS, the City of Oakbrook Terrace (the "City") is a home-rule unit of local government under Article VII, Section 6 of the 1970 Illinois Constitution and, except as limited by such Section, it may exercise any power and perform any function pertaining to its government and affairs;

WHEREAS, the City is authorized by Section 11-19-1 of the Illinois Municipal Code (65 ILCS 5/11-19-1) to make contracts for more than one year and not exceeding thirty years relating to the collection of garbage, refuse and ashes;

WHEREAS, the corporate authorities of the City entered into an Agreement for Residential and Commercial Collection, Transportation and Disposal of General Refuse and Landscape Waste and the Collection, Transportation and Sale of Recyclable Materials in the City of Oakbrook Terrace, Illinois with Flood Brothers Disposal Company, Inc. (the "Agreement") for the collection, transportation and disposal of general refuse and landscape waste and the collection, transportation and sale of recyclable materials in the City from September 1, 2007, to August 31, 2012;

WHEREAS, Section VII.C. of the Agreement grants the City an option to extend the Agreement for an additional five (5) years upon the same terms and conditions as set forth in the Agreement by providing Flood Brothers Disposal Company, Inc. with written notice at least ninety (90) days prior to the expiration of the Agreement; and

WHEREAS, in the opinion of two-thirds (2/3) of the members of the corporate authorities holding office, it is advisable, necessary and in the public interest that the City waive advertising for competitive bids, waive the procedure prescribed for the submission of competitive bids and extend the Agreement for an additional five (5) years upon the same terms and conditions as set forth in the Agreement;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Oakbrook Terrace, DuPage County, Illinois:

Section 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2: It is hereby determined that, in the opinion of two-thirds (2/3) of the members of the corporate authorities holding office, it is advisable, necessary and in the public interest that the City waive advertising for competitive bids, waive the procedure prescribed for the submission of competitive bids and extend the Agreement for an additional five (5) years upon the same terms and conditions as set forth in the Agreement.

Section 3: The City Manager be and is hereby authorized and directed to cause written notice to be sent to Flood Brothers Disposal Company, Inc., at least ninety (90) days prior to the expiration of the Agreement, that the City is exercising its option to extend the Agreement for an additional five (5) years upon the same terms and conditions as set forth in the Agreement.

Section 4. All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

Section 5: This ordinance shall be in full force and effect upon its passage and approval by a vote of two-thirds (2/3) of the members of the corporate authorities holding office and publication in accordance with law.

ADOPTED this 24th day of April 2012, pursuant to a roll call vote as follows:

AYES: Durham, Sarallo, Shadley, Thomas, and Vlach

NAYES: None

ABSENT: Sayyed

ABSTENTION: None

APPROVED by me this 24th day of April 2012.

Anthony Ragucci, Mayor of the City of
Oakbrook Terrace, DuPage County, Illinois

ATTESTED and filed in my office,
this 24th day of April 2012.

Judith Leslie, Clerk of the City of
Oakbrook Terrace, DuPage County, Illinois

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