

ORDINANCE NO. 17 - 23

AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT FOR THE 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;

WHEREAS, pursuant to Section VII.C of the Agreement, the City extended the term of the Agreement an additional five (5) years from September 1, 2012, to August 31, 2017;

WHEREAS, Section VI.E of the Agreement grants the Flood Brothers Disposal Company, Inc. the right to annually adjust the rates charged for its services pursuant to the formula set forth in Section VI.G 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 enter into an Amendment to the Agreement to extend the Agreement for an additional five (5) years upon the same terms and conditions as set forth in the Agreement and to grant an adjustment to the rates charged by Flood Brothers Disposal Company, Inc. for its services;

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 enter into an Amendment to the Agreement to extend the Agreement for an additional five (5) years upon the same terms and conditions as set forth in the Agreement and to adjust the rates charged for its services pursuant to the formula set forth in Section VI.G of the Agreement.

Section 3: The Mayor shall be and is hereby authorized and directed to execute and the City Clerk shall be and is hereby authorized and directed to attest an Amendment to the Agreement, which Amendment is attached hereto as Exhibit "A" 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 22nd day of August 2017, pursuant to a roll call vote as follows:

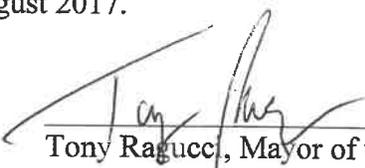
AYES: Esposito, Greco, Przychodni, Swartz, Thomas, and Vlach

NAYES: None

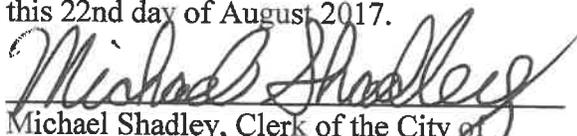
ABSENT: None

ABSTENTION: None

APPROVED by me this 22nd day of August 2017.


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

ATTESTED and filed in my office,
this 22nd day of August 2017.


Michael Shadley, Clerk of the City of
Oakbrook Terrace, DuPage County, Illinois

AMENDMENT TO 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

This Amendment made this 22nd day of August 2017 to 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 (the “Agreement”) between the City of Oakbrook Terrace, Illinois, an Illinois municipal corporation (the “City”), and Flood Brothers Disposal Company, an Illinois corporation (the “Contractor”) amends and modifies the terms and conditions of the Agreement. The terms and conditions of this Amendment are hereby incorporated into the Agreement. To the extent that the terms and conditions of this Amendment are inconsistent with the terms and conditions of the Agreement, the terms and conditions of this Amendment shall supersede the inconsistent terms and conditions of the Agreement.

The Agreement is hereby amended as hereinafter set forth:

1. Item C of Section VII entitled “Termination and Option to Extend” is amended to read as follows:

C. If the CITY provides the CONTRACTOR with written notice at least ninety (90) days prior to its expiration, the CITY can extend the AGREEMENT for an additional five (5) years upon the same terms and conditions herein, except that in 2017, if the CITY provides the CONTRACTOR with written notice at least ten (10) days prior to its expiration, the CITY can extend the AGREEMENT for an additional five (5) years upon the same terms and conditions herein.

2. Item G of Section VI entitled “Billing Payment and Procedures” is amended by adding thereto Subsection 4 to read as follows:

4. In 2017, in lieu of the adjustment in rates according to the formula included in Item G of Section VI, the annual increase in the rates charged to all MULTIPLE-FAMILY and COMMERCIAL SERVICE ACCOUNTS shall be increased in the amount of 2.49% effective commencing October 1, 2017.

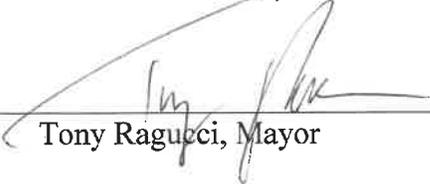
3. The remaining terms and conditions of the Agreement unaffected by this Amendment are hereby ratified and shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment on the date first set forth above.

City :

City of Oakbrook Terrace, Illinois

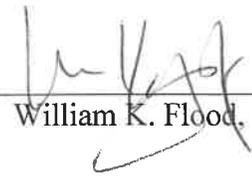
By:


Tony Ragucci, Mayor

Contractor:

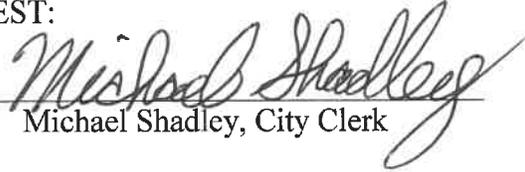
Flood Brothers Disposal Company

By:

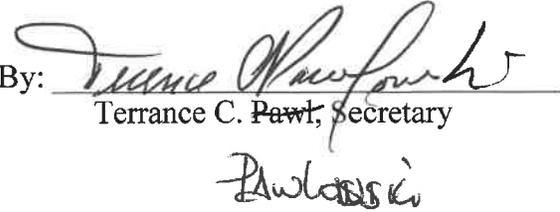

William K. Flood, President

ATTEST:

By:


Michael Shadley, City Clerk

By:


Terrance C. Pawl, Secretary
