

ORDINANCE NO. 2017-\_\_\_\_

AN ORDINANCE: 1) GRANTING A FRANCHISE TO AMERIWASTE LEAGUE CITY, INC., A SUBSIDIARY OF AMERIWASTE, INC. ("AMERIWASTE") FOR THE EXCLUSIVE RIGHT, PRIVILEGE AND FRANCHISE TO PROVIDE SOLID WASTE COLLECTION IN LEAGUE CITY, TEXAS AND 2) AUTHORIZING A FIVE (5) YEAR AGREEMENT WITH AMERIWASTE FOR SOLID WASTE COLLECTION IN LEAGUE CITY

WHEREAS, the Texas Health and Safety Code provides that a municipality has the authority to grant an exclusive franchise to a single hauler to collect and dispose of solid waste within its city limits; and

WHEREAS, pursuant to Chapter 94 of the League City Municipal Code, the City is required to procure the contract for the solid waste collection through a competitive bid process; and

WHEREAS, on July 11, 2017, the City issued a Request for Proposal whereby the City sought proposals for solid waste collection service and the City received responses from five (5) providers, including AmeriWaste; and

WHEREAS, AmeriWaste is engaged in the business of collection and transportation of solid waste within League City and AmeriWaste has agreed to the terms of the solid waste collection services agreement with League City; and

WHEREAS, the City Council is of the opinion that the granting of the franchise on the terms and conditions set forth in this Ordinance and its Exhibit "A" are in the furtherance of public interest and is necessary and property for carrying out the power granter by law to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The above-listed recitals are true and correct and hereby incorporated into this Ordinance.

Section 2. The City hereby grants a franchise to AmeriWaste League City, Inc., a subsidiary of AmeriWaste, Inc. ("AmeriWaste") for the exclusive right, privilege and franchise to provide solid waste collection in League City, Texas.

Section 3. The City authorizes a five (5) year agreement in substantially the same form as Exhibit A, which is attached and incorporated herein, with AmeriWaste for solid waste collection in League City.

Section 4. The City Manager is authorized to execute any document necessary to complete this transaction and to make minor administrative changes to the agreement with AmeriWaste.

Section 5. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court

of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 8. Open Meetings. It is hereby found and determined that the meeting at which this Ordinance was passed was open to the public and that advance public notice of the time, place and purpose of said meeting was given as required by law.

Section 9. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. This Ordinance shall become effective immediately upon its passage.

PASSED first reading the \_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED second reading the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PASSED AND ADOPTED the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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TODD KINSEY  
Mayor Pro-Tem

ATTEST:

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DIANA M. STAPP  
City Secretary

APPROVED AS TO FORM:

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NGHIEM V. DOAN  
City Attorney