

RESOLUTION NO. 157-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, REVISING THE COMMUNITY BENEFITS POLICY FOR THE EXPENDITURE OF FUNDS DONATED BY WASTE MANAGEMENT INC. OF FLORIDA; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO DEPOSIT AND APPROPRIATE FUNDS CONTRIBUTED BY WASTE MANAGEMENT INTO THE DONATIONS FUND ACCOUNT #130-00-366945; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Riviera Beach entered into a Solid Waste and Recycling Collection Franchise Agreement ("Franchise Agreement") with Waste Management Inc. of Florida ("Waste Management") on February 2, 2011, for a five year term; and

WHEREAS, the Agreement provides, in section 23.3, that Waste Management will contribute \$90,000 per year to the City for public purpose community benefits; and

WHEREAS, the City Council adopted resolution number 63-11 on May 11, 2011, which set out the Policy for Community Benefits; and

WHEREAS, on October 7, 2011, the Palm Beach County Commission on Ethics, at the request of the Mayor, rendered an opinion on the Policy which necessitates a change to the Policy and the Agreement; and

WHEREAS, the City Council amended the Franchise Agreement with Waste Management so that it is not inconsistent with the opinion and now desires to amend the Policy so that it is not inconsistent with the Commission's opinion; and

WHEREAS, the new Policy sets out the parameters for the expenditure of funds donated by Waste Management.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

SECTION 1. That the City Council hereby revises the Community Benefits Policy for the expenditure of funds donated by Waste Management and adopts the following Policy.

- I. Donation Amount and Timing.** Waste Management shall contribute a total of \$90,000 per year to the City for use by elected officials for public purposes as defined herein. The \$90,000 amount shall be donated as follows: \$45,000 sent to the City on October 1st and April 1st of every year until the expiration of the Franchise Agreement. Unless there are

extenuating circumstances, to be determined by City Council, the funds should be used in the six month cycle in which they are received.

- II. **Public Purposes.** Each elected official shall be entitled to designate up to \$15,000 per year (\$7,500 on October 1st and \$7,500 on April 1st) for public purposes. Public purposes include, but are not limited to, charitable events, not-for-profit organizational events or programs, and City functions or projects (which may include contributions to the City's Scholarship Fund or the City's Housing Trust Fund). The final determination of a public purpose is one that the majority of the City Council must make at a City Council meeting. After approval, the Finance Department may make payment to the appropriate organization. The City will send a letter to the organization acknowledging Waste Management as the donor of the funds.

- III. **Ineligible Uses.** Ineligible uses of the funds include the purchase of tables at events, contributions to campaigns, payment for salaries or for operational expenses. Funds cannot be used to cover an elected official's travel, meals, or for his or her personal benefit or gain or for the personal gain of relatives as defined by the City's Code, the Countywide Code of Ethics or state statutes, as applicable. Funds cannot be given to an entity/agency/organization for which the elected official is a director or officer.

- IV. **Procedure for Requesting and Releasing Funds.** On October 1st and April 1st of every year, Waste Management will submit a \$45,000 check to the City of Riviera Beach as contemplated by the Franchise Agreement. A Request for Donation form shall be filled out by the requesting entity and presented to the elected official from whom assistance is being requested. Each elected official is entitled to designate up to \$7,500 of the \$45,000 amount. If the request is approved by the elected official, the elected official must place the request on a City Council agenda for consideration. If approved by the City Council, the Finance Department will process the request and the City will send a letter to the entity/agency/organization acknowledging Waste Management as the donor of the funds.

SECTION 2. That the Interim Finance Director is authorized to deposit and appropriate funds contributed by Waste Management into the Donations Fund Account #130-00-366945.


SECTION 3. This resolution shall take effect immediately upon its passage and approval by City Council.

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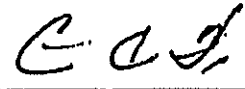
PASSED AND APPROVED this 16th day of November, 2011.

APPROVED:

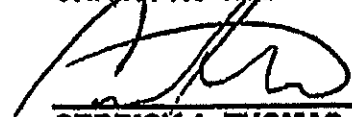

THOMAS A. MASTERS
MAYOR



JUDY L. DAVIS
CHAIRPERSON


ATTEST:


CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK


BILLIE E. BROOKS
CHAIR PRO TEM


CEDRICK A. THOMAS
COUNCILPERSON


DAWN S. PARDO
COUNCILPERSON


SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: D. Pardo

SECONDED BY: G. Thomas

J. DAVIS aye


B. BROOKS aye

C. THOMAS aye

D. PARDO aye

S. LOWE aye

REVIEWED AS TO LEGAL SUFFICIENCY


PAMALA H. RYAN, CITY ATTORNEY

DATE: 11/16/11