

**RESOLUTION NO. 34-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ESTABLISHING A FRANCHISE FEE FOR SOLID WASTE SERVICES AT 35% OF CONTRACTOR GROSS REVENUES AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on March 7, 2021, the City issued a Request for Proposals for Solid Waste Services (RFP 101-21-1); and

**WHEREAS**, under the terms of the solicitation, the City will grant the selected Contractor the exclusive franchise to operate and maintain comprehensive solid waste, bulk waste and other residential and commercial collection and disposal services for the City; and

**WHEREAS**, in consideration for the privilege granted to the Contractor to use and occupy the streets, alleys, bridges, easements and other public places of the City, the Contractor shall pay to the City a Franchise Fee for all services the Contractor provides within the City's municipal corporate limits; and

**WHEREAS**, in accordance with the solicitation, such Franchise Fees shall be established by resolution of the City Council, as may be amended from time to time, and based on a percentage of the Contractor's Gross Revenues; and

**WHEREAS**, the 2011 Solid Waste and Recycling Collection Franchise Agreement with Waste Management, entered into in February 2011 contained a flat rate Franchise Fee; and

**WHEREAS**, the initial Franchise Fee in 2011 was \$117,000 per month, subject to the same annual rate adjustment applicable to Residential Curbside Rates; and

**WHEREAS**, the City receives a Franchise Fee of \$136,007 per month, a 16.25% increase over the ten-year contract period; and

**WHEREAS**, the calculation of the Franchise Fee as stipulated in the 2011 Franchise Agreement has proven to have an adverse financial impact to the City; and

**WHEREAS**, the City's current rate calculates to approximately 20% based on financial data provided by the current contractor; and

**WHEREAS**, over the past 10 years, the administration and operational costs incurred by the City related to commercial sanitation services has increased due to enforcement of the City's ordinances, the mandatory recycling program, and illegal dumping issues; and

**WHEREAS**, staff has surveyed surrounding municipal jurisdictions to obtain the prevailing commercial sanitation services franchise fee in the respective jurisdictions and has found that several neighboring cities assess a fee ranging from 17% to 35%; and

**WHEREAS**, based upon the aforementioned, City staff is recommending that the franchise fee for solid waste services be established at 35%.

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**NOW, THEREFORE**, be it resolved by the City Council of the City of Riviera Beach, Florida:

**SECTION 1.** That the franchise fee payable by each of the private contractors for solid waste is, hereby established at 35% of Contractor gross revenues.

**SECTION 2.** This Resolution shall take effect upon its passage and approval by the City Council.

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**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**APPROVED:**

\_\_\_\_\_  
**RONNIE L. FELDER**  
**MAYOR**

\_\_\_\_\_  
**SHIRLEY D. LANIER**  
**CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**CLAUDENE L. ANTHONY,**  
**CERTIFIED MUNICIPAL CLERK**  
**CITY CLERK**

\_\_\_\_\_  
**KASHAMBA MILLER-ANDERSON**  
**CHAIR PRO TEM**

\_\_\_\_\_  
**TRADRICK MCCOY**  
**COUNCILPERSON**

\_\_\_\_\_  
**JULIA A. BOTEL, Ed.D**  
**COUNCILPERSON**

\_\_\_\_\_  
**DOUGLAS A. LAWSON**  
**COUNCILPERSON**

**MOTIONED BY:** \_\_\_\_\_

**REVIEWED AS TO LEGAL SUFFICIENCY**

**SECONDED BY:** \_\_\_\_\_

\_\_\_\_\_  
**DAWN S. WYNN, CITY ATTORNEY**

**T. MCCOY:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**K. MILLER-ANDERSON:** \_\_\_\_\_

**S. LANIER:** \_\_\_\_\_

**J. BOTEL:** \_\_\_\_\_

**D. LAWSON:** \_\_\_\_\_