

## REQUEST FOR COUNCIL ACTION

**SUBJECT:** Resolution Approving of an Amendment to the "Agreement for Residential Solid Waste Services" with ACE Disposal, Inc.

**SUMMARY:** Approval of the Resolution will approve of the Amendment to eliminate Paragraph 7.13(b) from the Agreement, regarding annual recycle rebates to the City, effective August 10, 2016 through the remainder of the Agreement, or until otherwise amended, as agreed upon during a recent City Council meeting.

**FISCAL AND/OR ASSET IMPACT:** There is no fiscal impact associated with the approval of the Amendment to the "Agreement for Residential Solid Waste Services" with ACE Disposal, Inc., other than acknowledging the loss of annual recycle rebates received by the City (which have decreased over time, to the point that the recycle rebates no longer exist).

**STAFF RECOMMENDATION:** Staff recommends approval of the Amendment to the "Agreement for Residential Solid Waste Services" with ACE Disposal, Inc.

**MOTION RECOMMENDED:** "I move to approve Resolution 16- 160 , authorizing the Mayor to execute an Amendment to the Agreement for Residential Solid Waste Services with ACE Disposal, Inc."

*[Roll Call vote required]*

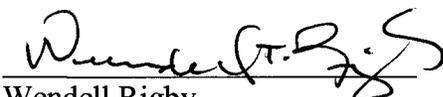
**Prepared by:**

  
Duncan T Murray  
Deputy City Attorney

**Reviewed by:**

  
David R Brickey  
City Attorney

**Recommended by:**

  
Wendell Rigby  
Public Works Director

**Approved by:**

  
Mark R Palesh  
City Manager

**BACKGROUND DISCUSSION:**

International markets regarding the collection, sale, and use of recyclables have dramatically changed. There is no longer the profitability that once existed in this recycling industry. Effectively, there are no profits to “rebate” from ACE Disposal, Inc. to the City, as anticipated in Agreement when it was signed on February 28, 2013.

City staff recommends approval of the Amendment to the “Agreement for Residential Solid Waste Services” with ACE Disposal, Inc.

**THE CITY OF WEST JORDAN, UTAH**  
A Municipal Corporation

**RESOLUTION NO. 116-160**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE “AGREEMENT FOR RESIDENTIAL SOLID WASTE SERVICES” WITH ACE DISPOSAL, INC.**

**Whereas**, the parties previously entered into an “Agreement for Residential Solid Waste Services”; and

**Whereas**, the parties acknowledge that international markets regarding the collection, sale, and use of recyclables have dramatically changed; and that there is no longer the profitability that once existed in this recycling industry; and

**Whereas**, the parties recognize that effectively, there are no profits to “rebate” from the Contractor to the City, as anticipated in Agreement when it was signed on February 28, 2013; and the City desires to act in good faith with regards to the Contractor; and

**Whereas**, the parties now agree to amend the Agreement, by eliminating Paragraph 7.13(b) from the Agreement, regarding recycle rebates to the City, effective August 10, 2016 through the remainder of the Agreement; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST JORDAN, UTAH, THAT:**

*Section 1.* After approval as to legal form by the City Attorney, the Mayor is hereby authorized to execute the Amendment to the “Agreement for Residential Solid Waste Services.”

*Section 2.* This resolution shall take effect immediately.

**Adopted by the City Council of West Jordan, Utah, this 26th day of October, 2016.**

ATTEST:

\_\_\_\_\_  
KIM V ROLFE  
Mayor

\_\_\_\_\_  
MELANIE S BRIGGS, MMC  
City Clerk

**Voting by the City Council:**

	"AYE"	"NAY"
Council Member Dirk Burton	_____	_____
Council Member Jeff Haaga	_____	_____
Council Member Zach Jacob	_____	_____
Council Member Chris McConnehey	_____	_____
Council Member Chad Nichols	_____	_____
Council Member Sophie Rice	_____	_____
Mayor Kim V. Rolfe	_____	_____

**CITY OF WEST JORDAN  
AMENDMENT TO THE “AGREEMENT  
FOR RESIDENTIAL SOLID WASTE SERVICES” WITH ACE DISPOSAL, INC.**

This document constitutes an Amendment to the “Agreement for Residential Solid Waste Services” (hereafter “the Agreement”) entered into between the City of West Jordan (hereafter “the City”) and ACE Disposal, Inc. (hereafter “the Contractor”) on February 28, 2013. The City and the Contractor are collectively or individually referred to herein as the “parties” or a “party.”

**RECITALS**

WHEREAS, the purpose of this Amendment is to eliminate Paragraph 7.13(b) from the Agreement, regarding recycle rebates to the City, effective August 10, 2016 through the remainder of the Agreement, or until otherwise amended, as agreed upon during a recent City Council meeting; and

WHEREAS, the parties acknowledge that international markets regarding the collection, sale, and use of recyclables have dramatically changed; and that there is no longer the profitability that once existed in this recycling industry; and that effectively, there are no profits to “rebate” from the Contractor to the City, as anticipated in Agreement when it was signed on February 28, 2013; and the City desires to act in good faith with regards to the Contractor; and

NOW THEREFORE, the parties agree to amend the Agreement as follows:

**AMENDMENT TO THE AGREEMENT**

- 1) Elimination of a Specific Provision. Sub-Paragraph/Sub-Section 7.13(b), regarding annual recycle rebates to the City, is hereby eliminated from the Agreement, effective August 10, 2016 and through the remainder of the duration of the Agreement, unless otherwise subsequently amended.
  
- 2) No Other Amendments. All of the other provisions of the Agreement shall remain in full force and effect; there are thus no other amendments to the Agreement at this time.

IN WITNESS HEREOF, the parties sign and cause this contract to be executed on this \_\_\_\_\_ day of October, 2016:

**CONTRACTOR**  
**(ACE Disposal, Inc.)**

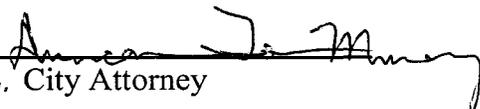
**CITY OF WEST JORDAN**

\_\_\_\_\_  
Contractor's signature

\_\_\_\_\_  
Mayor's signature

**Approved as to Legal Form:**

**Attest:**

  
Dep. City Attorney

\_\_\_\_\_  
City Clerk