

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2010-15**

AN ORDINANCE OF THE CITY OF RUSSELLVILLE, KENTUCKY, PROVIDING FOR THE CREATION AND SALE OF A FRANCHISE FOR THE PRIVILEGE OF COLLECTION AND DISPOSAL OF RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SOLID WASTE WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY, FOR A TERM AS DEFINED BY WINNING BIDDERS RFP AND IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO 13% OF ITS REVENUES FROM RESIDENTIAL CUSTOMERS; AND 5% FEE FROM IT'S COMMERCIAL CUSTOMERS; AND PROVIDING FOR A SEVERABILITY CLAUSE, REPEALER CLAUSE AND AN EFFECTIVE DATE

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WHEREAS, the existing Solid Waste Collection Franchise contract between the City of Russellville, Kentucky and Waste Management Corporation expires on December 19, 2010; and

WHEREAS, the City has determined that it is in the best interest of its citizens to create and offer for sale a new Solid Waste Collection Franchise;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY (hereinafter referred to as the "City") as follows:

SECTION I. BIDDING PROCEDURE

A. The Mayor of the City of Russellville, Kentucky, or such other person as the Mayor may have designated, shall have offered for sale, to the lowest and best bidder, defined in terms of costs to the citizens and services offered, a franchise to enter upon, acquire, construct, operate, maintain and repair a Solid Waste Collection system with the corporate boundaries of the City of Russellville, subject to the provisions of the Franchise Contract attached hereto and incorporated herein by reference.

B. The Mayor of the City of Russellville, Kentucky, or such other person as the Mayor may have designated, shall have offered for sale, under sealed public bids, the franchise and privileges created herein. Such bids shall be in writing and shall have been delivered to the Mayor or his designee, at City Hall, Russellville, Kentucky, by 2:00 p.m. on December 1, 2010 (the "Bid Deadline"). Advertisements for such bids shall have been published in accordance with the requirements of KRS Chapter 424. Sealed bids offered for the purchase of this franchise shall have been publicly opened and read at 2:00 p.m. C.S.T. on December 1, 2010. All bids shall have stated the bidder's acceptance of the terms and provisions set forth in the attached franchise contract.

C. The Mayor shall present all written bids to the City of Russellville at its first meeting scheduled after the Bid Deadline for the City's consideration and approval. The City reserves the right to accept any bid, to reject any and all bids received, to waive any irregularities or informalities in awarding the franchise and to accept what, in its opinion, is the best responsive and responsible bid. In the event all bids are rejected, the City reserves the right to direct by resolution or ordinance that the franchise created hereunder be offered again for sale until a satisfactory bid is received and approved.

SECTION II. GRANTING FRANCHISE APPLICATION

After consideration of all written bids, the City Council of Russellville, shall grant by a majority vote the franchise application submitted by the lowest and best bidder, defined in terms of costs to the citizens and services offered. The bidder's acceptance shall be memorialized by the signature of a duly authorized agent of the bidder to the franchise agreement attached hereto and incorporated herein by reference.

SECTION III. SEVERABILITY CLAUSE

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

SECTION IV. REPEALER CLAUSE

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION V. EFFECTIVE DATE

This ordinance shall be effective upon its passage and publication as required by law.

FIRST READING BEING CONDUCTED on December 7, 2010.

SECOND READING BEING CONDUCTED on December 9, 2010.


LANNY McPHERSON, INTERIM MAYOR

ATTEST:


BOB RIGGS, CITY CLERK

Ayes: Bell, Pat; Davenport, Jimmy; Jones, Russell; Whipple, Jack.

Nays: None.

Absent: Nash, Doug; McCormick, Mike

Abstaining: None.