

**RESOLUTION 2024 – 6**

**A RESOLUTION AUTHORIZING THE ADMINISTRATION TO EXECUTE AN AMENDMENT TO THE CONTRACT WITH BROWNING – FERRIS INDUSTRIES OF OHIO, INC., FOR RESIDENTIAL WASTE COLLECTION AND RECYCLING SERVICES, AND DECLARING AN EMERGENCY**

**WHEREAS**, Resolution 2021 – 25, passed on October 25, 2021, authorized the Mayor to enter into a contract with Browning-Ferris Industries of Ohio, Inc. for residential waste collection and recycling services; and

**WHEREAS**, this Council recommends that the Administration sign the amendment to the contract with Browning – Ferris Industries of Ohio, Inc., in the form attached hereto as “Exhibit A”, to provide for necessary contract modifications.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Parma Heights, County of Cuyahoga, and State of Ohio:

Section 1. The Administration is hereby authorized to execute an amendment to the contract with Browning – Ferris Industries of Ohio, Inc., in the form attached hereto as “Exhibit A” and made a part hereof by reference as if fully rewritten.

Section 2. This Council finds and determines that all formal action of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and of any of its Committees comprised of a majority of the members of the Council that resulted in those formal actions were in meetings open to the public, in compliance with the law.

Section 3. This Council declares the Resolution to be an emergency measure for the immediate preservation of the public health, peace, and safety of this Municipality, and for the further reason that it is necessary to execute said amendment to the current contract to provide for imminent and necessary contract modifications to the current residential waste collection and recycling services in the City of Parma Heights; wherefore, it shall be in full force and effect immediately after its passage by Council and approval of the Mayor.

PASSED: February 12, 2024

Thomas Rounds  
PRESIDENT OF COUNCIL

ATTEST: Barbara Allen  
CLERK OF COUNCIL

February 12, 2024  
APPROVED

FILED WITH  
THE MAYOR: February 12, 2024

Marie Gallo  
MAYOR MARIE GALLO

# **EXHIBIT A**

## **AMENDMENT**

THIS First Amendment (“Amendment”) is hereby made to that *Agreement for Residential Solid Waste Collection, Disposal and Recycling Services* between Browning Ferris Industries of Ohio, Inc dba Republic Services of Elyria (“contractor”) and the City of Parma Heights, Cuyahoga County, Ohio (hereinafter called “City” effective on or about January 1, 2022 including but not limited to the *Invitation to Bid* between the parties and all exhibits, modifications and amendments hereto (collectively, the “Agreement”). This Amendment shall be effective as of the last date signed below (“Amendment Effective Date”).

### **WITNESSETH:**

**WHEREAS** Contractor and City entered into the Agreement to provide services for the collection and disposal of residential solid waste and collection and recyclable materials; and

**NOW, THEREFORE**, in consideration of the mutual covenants and promises set forth below, Contractor and City hereby agree to amend the Agreement as follows:

Effective as of February 21, 2024, the changes below will be made to bulk collection and yard waste services set forth in the Agreement:

1. Monthly bulk collection will shall increase to weekly bulk collection.
2. Weekly bulk collections will be limited to six (6) bulk items each week.
3. Yard waste collection will be increased to year-round collections with yard waste being disposed of with solid waste collections at the Lorain County Landfill.
4. Yard waste may now be placed in clear plastic trash bags or loose in a trash container marked “YARD WASTE” and will not exceed 32 gallons and 35 pounds. Small branches must be cut and bundled not to exceed four (4) feet in length and no heavier than 35 pounds; and
5. Authority. Each individual signing this Amendment expressly represents and warrants that he/she has the right, legal capacity, and full authority to execute the Amendment.
6. Ratification. Except as specifically provided by this Amendment, each and every provision of the Contract, as amended through the Amendment Effective Date hereof, remains, and is, in all respects, in full force and effect.
7. Miscellaneous. (i) The provisions of this Amendment are binding upon and inure to the benefit of the parties and their respective successors and assigns; and (ii) this Amendment and the Agreement constitute the entire understanding between the parties in respect to the subject matter hereof.

IN WITNESS WHEREOF, the parties hereto, each acting under the due and proper authority have executed this Amendment as of the date written above.

IN WITNESS WHEREOF, the duly authorized representatives of the Contractor and City have executed this Amendment on the 21<sup>st</sup> day of February 2024.

**CONTRACTOR:**

Browning Ferris Industries of Ohio, Inc

Dbm Republic Services of Elyria

By: \_\_\_\_\_

Name: Chase Rittenauer

Title: General Manager

**CITY:**

City of Parma Heights, Ohio

By: \_\_\_\_\_

Name: Marie Galt

Title: Mayor