

Village of Mantua, Ohio
ORDINANCE 2019-65

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE RESIDENTIAL CURBSIDE RECYCLING AND TRASH COLLECTION SERVICES CONTRACT WITH KIMBLE COMPANIES, AND DECLARING AN EMERGENCY.

WHEREAS, Pursuant to Ordinance 2016-60, the Village of Mantua and Kimble Companies entered a Contract, (“Contract”), effective January 1, 2017, whereby the Parties agreed that Kimble Companies would act as sole provider of residential curbside recycling and trash collection services in the Village in accordance with the mutually agreed-upon terms described therein; and

WHEREAS, Kimble’s November 15, 2016 Bid submitted for the Contract expressly provided:

“If there is any increase or decrease in taxes or government fees during the term of this contract, it is Kimble’s intention that the increase, or decrease, will be passed onto the Village on a dollar for dollar basis, and that the compensation for any increase in fees will not be unreasonably withheld by the Village.”

WHEREAS, the Contract in Section B.IX provides:

“In the event there is any increase or decrease in federal, state, and local government taxes and fees during the term of this Contract, the successful bidder will review the increase or decrease with the Village and will adjust collection rates in accordance with the increase or decrease. Any rate adjustment will be restricted to the amount necessary to pass the increase or decrease through on a dollar for dollar basis.”

WHEREAS, The State of Ohio has imposed a new tax of \$0.10 per Diesel Gallon Equivalent of Compressed Natural Gas effective July 1, 2019 and the Township of Twinsburg has increased its refuse disposal fee by \$0.07 per ton; and

WHEREAS, Kimble has advised the Village of these increases by correspondence dated November 5, 2019 and has requested an increase of \$0.60 per residence per year in order to pass along said tax and fee increases on a dollar for dollar basis.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Mantua, two-thirds or more of the members elected thereto concurring, that:

SECTION 1. All of the terms, conditions, exhibits, attachments and provisions contained in the Contract are hereby incorporated by reference and shall continue in full force and effect, the same as if they were set forth herein verbatim, except the following terms which shall supersede any conflicting terms in the Contract:

- a. Price.* The price for services as of January 1, 2020 shall be increased by the amount of *\$0.60 per house per year.*
- b. Terms.* All other terms of the Contract not modified herein shall remain binding on

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ORDINANCE 2019-65

the parties during the original term.

SECTION 2. All recitals to this Amendment are hereby incorporated by reference and made a part of this Amendment.

SECTION 3. There are no other terms and conditions governing the matters herein addressed except those expressly contained herein.

SECTION 4. All defined terms not otherwise defined in this Amendment shall have the meaning set forth in the Contract.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 6. This Ordinance is hereby declared an emergency measure in order to permit a fair and equitable amendment to the herein described Contract effective January 1, 2020, and shall become effective immediately upon its passage by Council and approval by the Mayor, and to further ensure the health, safety and morals of the Village of Mantua.

PASSED IN COUNCIL this 17th day of December, 2019.

ATTEST:

Linda Clark, Mayor

Jenny August, Clerk-Treasurer

I hereby certify that the above Ordinance was posted in the five (5) public notice locations in the Village of Mantua, Ohio on the _____ day of December, 2019.

Jenny August, Clerk-Treasurer

Approved as to Form:

Michele Stuck, Solicitor