

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING THOSE GARBAGE FRANCHISES PREVIOUSLY GRANTED BY ST. JOHNS COUNTY AND NOW HELD BY BROWNING-FERRIS INDUSTRIES OF FLORIDA, INC. AND BY SEABOARD SANITATION INC. TO ALLOW EACH FRANCHISEE TO CHARGE AN ADDITIONAL FEE (THE "LANDFILL CHARGE") TO ITS CUSTOMERS TO COVER THE FRANCHISEE'S ADDED COSTS OCCASIONED BY REASON OF COUNTY LANDFILL CHARGES; PROVIDING FOR MODIFICATION OR AMENDMENT OF THE LANDFILL FEE BY RESOLUTION(S) OF THE BOARD OF COUNTY COMMISSIONERS; REQUIRING AN ACCOUNTING BY THE FRANCHISEES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, St. Johns County has heretofore granted garbage franchises dated on or about April 22, 1980, September 14, 1976, and April 13, 1976, to Sam Stratton, Marion Q. Tapley and Louis Tapley, which franchises have been assigned and transferred to Seaboard Sanitation, Inc. (the "SSI Franchises"); and

WHEREAS, St. Johns County has heretofore granted garbage franchises dated on or about September 14, 1976, and June 8, 1976, to Thomas F. Herbert and Genevieve Herbert, which franchises have been assigned and transferred to Browning-Ferris Industries of Florida, Inc. (the "BFI Franchises"); and

WHEREAS, St. Johns County has imposed or intends to impose fees and charges (hereinafter "Tipping Fees") for the disposal of garbage, trash, refuse and other solid wastes at or in its solid waste disposal system, including its sanitary landfill and solid waste transfer stations; and

WHEREAS, the SSI Franchises and the BFI Franchises contain no provisions to allow the franchisees to collect the costs of newly-imposed tipping fees from their residential or commercial customers;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA as follows:

Section 1. The SSI Franchises and the BFI Franchises are hereby amended to include the following additional provisions:

Landfill Tipping Fees:

1. By reason of, and to allow recovery for, Tipping Fees imposed by St. Johns County, the Franchisees under the SSI Franchises and under the BFI Franchises are hereby empowered and authorized to charge the following landfill charges commencing on the same date that the County Tipping Fee charges are commenced.

a. \$4.00 per domestic household subscriber per month;

b. \$1.50 per loose cubic yard (or \$6.00 per compacted cubic yard) of containerized service provided for the collection and disposal of business, and commercial waste, and industrial, chemical or manufacturing refuse or leavings. The charge under this subparagraph shall be determined by the size of waste container provided a customer multiplied by the number of times waste from the container is collected by Franchisee.

c. \$2.75 per residential condominium unit per month;

d. Roll off container service may be charged the actual amount charged by the County to dump the contents thereof.

B. Prior to 410 days after a Franchisee commences charging landfill charges authorized hereby, and annually thereafter, the Franchisee shall deliver an accounting to the County that adequately accounts for all landfill charges collected each month by the Franchisee for the previous full year that such landfill charges were charged and collected and further reports the amount of Tipping Fees charged the Franchisee by the County for the same period of time.

C. The maximum landfill charges that the Franchisees may charge their customers may be modified from time to time by Resolution(s) of the Board of County Commissioners of St. Johns County in an effort to make sure that the Franchisees do not make or lose money by reason of the County Tipping Fees and the Franchisee landfill charges.

Section 2. This ordinance shall not become effective as to the SSI Franchises until the below acceptance is signed by Seaboard Sanitation, Inc. and it shall not become effective as to the BFI Franchises until the below acceptance is signed by Browning-Ferris Industry of Florida, Inc. The failure of either Franchisee to sign

the below acceptance on or prior to December 31, 1987 shall automatically terminate the applicability of this ordinance to the Franchises of the non signing entity.

Section 3. Effective Date: This Ordinance shall take effect immediately upon receipt of official acknowledgment by the Office of the Department of State, to the Clerk of the Board of County Commissioners that same has been filed but the provisions hereof shall be subject to the signing(s) described in Section 2 above.

PASSED By the Board of County Commissioners of St. Johns County, State of Florida, this 22 day of September, 1987.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Phyllis L. Lyndon
Its Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

By: Cheryl Kent
Deputy Clerk

ACCEPTANCE

The undersigned franchisees hereby accept the foregoing franchise ordinance amendment and agree to comply with and abide by each and every term and provision thereof.

BROWNING-FERRIS INDUSTRIES
of Florida, Inc.

By: Thomas L. Anderson Asst. Sec.

Signed: September 24 1987

SEABOARD SANITATION, INC.

By: J. J. [Signature] Pres. [Signature]

Signed: September 24 1987

Adopted regular meeting 9/22/87

Effective: October 1, 1987

The St. Augustine Record
 PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
 ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }
 COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
KRISTI ROBERTSON who on oath says that he is
ACCOUNTING CLERK of the St. Augustine Record, a
 daily newspaper published at St. Augustine in St. Johns County, Florida;
 that the attached copy of advertisement, being a _____
NOTICE OF MEETING
 _____ in the matter of _____
GARBAGE FRANCHISE
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
AUGUST 31, 1987

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me Kristi Robertson
 his 1st day of SEPTEMBER

A.D. 19 87
[Signature]
 Notary Public
 Notary Public
 My Commission Expires Aug. 4, 1989
 Bonded Three Thousand Dollars

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON SEPTEMBER 22, 1987 AT 10:00 O'CLOCK A.M., IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO

CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:
 AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA, AMENDING THOSE GARBAGE FRANCHISES PREVIOUSLY GRANTED BY ST. JOHNS COUNTY AND NOW HELD BY BROWNING-FERRIS INDUSTRIES OF FLORIDA, INC. AND BY SEABOARD SANITATION, INC. TO ALLOW EACH FRANCHISEE TO CHARGE AN ADDITIONAL FEE ("THE LANDFILL

CHARGE") TO ITS CUSTOMERS TO COVER THE FRANCHISEE'S ADDED COSTS OCCASIONED BY REASON OF COUNTY LANDFILL CHARGES; PROVIDING FOR MODIFICATION OR AMENDMENT OF THE LANDFILL FEE BY RESOLUTION(S) OF THE BOARD OF COUNTY COMMISSIONERS; REQUIRING AN ACCOUNTING BY THE FRANCHISEES; AND PROVIDING AN EFFECTIVE DATE.

The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearing.

All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he

will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
 Carl "Bud" Markel
 Its Clerk
 By Cheryl Kent
 Deputy Clerk
 1153 Aug. 31, 1987