

RESOLUTION NO. 92-167

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA RATIFYING AND ADOPTING THE SOLID WASTE FRANCHISE AGREEMENTS BETWEEN THE COUNTY AND SEABOARD SANITATION, INC. DATED JANUARY 23, 1990 AND BETWEEN THE COUNTY AND BROWNING FERRIS INDUSTRIES OF FLORIDA INC. DATED JANUARY 23, 1990 AND AUTHORIZING THE CHAIRMAN TO SIGN AGREEMENTS BETWEEN THE COUNTY AND SEABOARD SANITATION, INC. AND BETWEEN THE COUNTY AND BROWNING FERRIS INDUSTRIES OF FLORIDA, INC. THAT RATIFY AND ADOPT THE RESPECTIVE JANUARY 23, 1990 SOLID WASTE FRANCHISE AGREEMENTS.

WHEREAS, uncertainty has arisen as to whether the Solid Waste Franchise Agreements between the County and Browning Ferris Industries of Florida, Inc. dated January 23, 1990 and between the County and Seaboard Sanitation, Inc. dated January 23, 1990 (collectively "the Solid Waste Franchise Agreements") are void or voidable because notice of the January 23, 1990 hearing on the agreements was not published in a newspaper (although the hearing on the matter was noticed by the preprinted agenda for the January 23, 1990 hearing); and

WHEREAS, the following notice was published in the St. Augustine Record on September 25, 1992:

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON TUESDAY, OCTOBER 13, 1992 AT 10:00 A.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, 4020 LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO DETERMINE WHETHER OR NOT TO RATIFY AND ADOPT THE SOLID WASTE FRANCHISE AGREEMENTS BETWEEN THE COUNTY AND SEABOARD SANITATION, INC. DATED JANUARY 23, 1990 AND BETWEEN THE COUNTY AND BROWNING FERRIS INDUSTRIES OF FLORIDA, INC. DATED JANUARY 23, 1990 AND IF APPROPRIATE, TO RATIFY AND ADOPT THOSE AGREEMENTS.

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

1. The Solid Waste Franchise Agreements between the County and Seaboard Sanitation, Inc. dated January 23, 1990 and between the County and Browning Ferris Industries of Florida, Inc. dated January 23, 1990 are hereby adopted and ratified.

2. The Chairman is authorized and directed to sign agreements between the County and Seaboard Sanitation, Inc. and between the County and Browning Ferris Industries of Florida, Inc. that ratify and adopt the January 23, 1990 Solid Waste Franchise Agreements.

PASSED AND ADOPTED by the Board of County Commissioners  
of St. Johns County, Florida this 13th day of October, 1992.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: Fred Brinkhoff  
Its Chairman - Fred Brinkhoff

ATTEST: CARL "BUD" MARKEL, CLERK

By: Patricia DeGrande  
Deputy Clerk

# The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING  
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared \_\_\_\_\_  
SHERRY L. RAUCH

\_\_\_\_\_ who on oath says that she 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 PUBLIC HEARING

\_\_\_\_\_ in the matter of \_\_\_\_\_  
REGULAR MEETING ON OCTOBER 13, 1992

\_\_\_\_\_ in the \_\_\_\_\_ Court,  
was published in said newspaper in the issues of \_\_\_\_\_  
Sept. 25, 1992

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 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 she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing the advertisement for publication in the said newspaper.

Sworn to and subscribed before me \_\_\_\_\_  
Zoe Ann Johns

this \_\_\_\_\_ 28th \_\_\_\_\_ day of \_\_\_\_\_ Sept. \_\_\_\_\_

A.D. 19 \_\_\_\_\_ 92

*Zoe Ann Johns*  
(SEAL) \_\_\_\_\_ 8/22/93 Notary Public

NOTICE OF PUBLIC HEARING PERTAINING TO THE RATIFICATION AND ADOPTION OF THE EXCLUSIVE SOLID WASTE FRANCHISE AGREEMENTS EACH DATED JANUARY 23, 1990 BETWEEN ST. JOHNS COUNTY AND SEABOARD SANITATION, INC. AND BETWEEN ST. JOHNS COUNTY AND BROWNING FERRIS INDUSTRIES OF FLORIDA, INC.

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON TUESDAY, OCTOBER 13, 1992 AT 10:00 A.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, 4020 LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO DETERMINE WHETHER OR NOT TO RATIFY AND ADOPT THE SOLID WASTE FRANCHISE AGREEMENTS BETWEEN THE COUNTY AND SEABOARD SANITATION, INC. DATED JANUARY 23, 1990 AND BETWEEN THE COUNTY AND BROWNING FERRIS INDUSTRIES OF FLORIDA, INC. DATED JANUARY 23, 1990 AND IT IS APPROPRIATE TO RATIFY AND ADOPT THOSE AGREEMENTS.

The Franchise Agreements are on file in the office of the county administrator at the 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 the matter 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, such person will need a record of the proceedings, and for such purposes 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.

Notice to all hearing impaired persons: Anyone planning to attend this hearing that needs the services of an interpreter, please contact David Halstead, ADA Coordinator, at (904) 823-2505 at least 24 hours prior to the date of this hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
Carl "Bud" Markel,  
Its Clerk  
By Patricia DeGrade  
Deputy Clerk  
L055 Sept. 25, 1992