

ORDINANCE NO. 45-22

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDED MEMORANDUM OF UNDERSTANDING WITH BROWNING-FERRIS INDUSTRIES OF OHIO, INC. CONCERNING THE COLLECTION OF YARD WASTE AND BULK MATERIAL AND DECLARING AN EMERGENCY

WHEREAS, to satisfy the City's desire to facilitate the residents' ability to continue to contract with Browning-Ferris Industries of Ohio, Inc. (hereinafter referred to as BFIO) for the collection of solid waste, recyclables, yard waste and bulk materials, Council passed Ord. No. 22-19 on February 18, 2019 and entered into a Memorandum of Understanding (MOU) with BFIO; and

WHEREAS, recent discussions with BFIO and changes in their operation have necessitated an amendment to the MOU as it pertains to the frequency of yard waste and bulk item collection; and

WHEREAS, BFIO has now proposed picking up both yard waste and bulk items on a weekly basis beginning on or about May 1, 2022 and thereafter doing so every week throughout the year; and

WHEREAS, the proposed amendment will enable BFIO to operate more efficiently thus lowering costs and improving service; and

WHEREAS, Council, having reviewed the amended MOU ([Exhibit A](#)), deems it desirable and in the best interests of the health, safety and welfare of the residents of Avon to authorize the Mayor to amend the MOU and increase the frequency of collection of bulk materials and yard waste to every week throughout the year.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That the City, through the office of the Mayor, is hereby authorized to execute the amended Memorandum of Understanding (MOU) with Browning-Ferris Industries of Ohio, Inc. (BFIO) to increase the frequency of collection of yard waste and bulk material beginning on or about May 1, 2022, in substantially the form as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 2 - That is 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 all deliberations of this Council and of any of its committees which resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public, health, safety, and welfare of the citizens of the City of Avon,

Ohio, the immediate emergency being the necessity to amend the existing MOU (Exhibit A) with BFIO to increase the frequency of collection of yard waste and bulk material beginning on or about May 1, 2022 and each week thereafter; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

BY: _____
Brian Fischer, President of Council

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Barbara J. Brooks, Clerk of Council

POSTED: _____
In five places as provided by
Council

Prepared By:
John A. Gasior, Esq.
Law Director