

A RESOLUTION AUTHORIZING THE MAYOR AND FISCAL OFFICER TO EXECUTE AN  
AMENDMENT TO THE AGREEMENT WITH LOCAL WASTE, AND DECLARING AN  
EMERGENCY

WHEREAS, the Village of Minerva Park contracted the services of Local Waste to provide trash collection and related services to the Village; and

WHEREAS, the contract with Local Waste requires clarification on the pass through fees; and

WHEREAS, Council for the Village of Minerva Park is pleased with the level of service and work being performed currently by Local Waste and wants to continue the relationship; and

WHEREAS, Local Waste wants to continue providing services for the Village; and

WHEREAS, Council for the Village of Minerva Park now wants to continue the services of Local Waste and to further ratify the services and pass through fees charged by Local Waste for the current contract period until the passage of this resolution;

NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

- Section 1. The Mayor and Fiscal Officer are hereby authorized and directed to enter into the Amendment with Local Waste, in substantially the same format and content as the document attached hereto as Exhibit "A" and incorporated herein by reference, on behalf of the Village of Minerva Park.
- Section 2. Council hereby confirms and ratifies the services and pass-through fees submitted by Local Waste for the current contract period until the passage of this resolution.
- Section 3. All prior resolution(s) or any part thereof, which is(are) inconsistent with this resolution is(are) hereby repealed as to the inconsistent part(s) thereof and the remainder of said resolution(s) not inconsistent with this resolution shall remain in full force and effect.
- Section 4. Council declares this to be an emergency measure necessary for the public, health, safety, and welfare of the residents of the Village of Minerva Park, such need arising from the Village's immediate need to continue providing the Village with uninterrupted trash and related services. Wherefore, this resolution shall take effect and shall be in force upon its passage.

First Reading: November 21, 2011  
Second Reading:  
Third Reading:  
Passed:

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Lynn Eisentrout, Mayor, Village of Minerva Park

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Attest Nancy White Fiscal Officer,  
Village of Minerva Park

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Reviewed by Counsel

**Exhibit A  
AMENDMENT**

This Amendment to the contract dated \_\_\_\_\_, 20\_\_\_\_ is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2011, by and between the Village of Minerva Park, an Ohio municipal corporation (hereinafter referred to as "the Village"), and Local Waste, a corporation organized and existing under the laws of the state of Ohio (hereinafter referred to as "Contractor").

WITNESSETH

WHEREAS, the Village and the Contractor did, on \_\_\_\_\_, 20\_\_\_\_ enter into a contract to provide for residential solid waste collection and disposal within the Village; and

WHEREAS, Council passed Resolution No. 2010-36 on \_\_\_\_\_, 2011 authorizing the Mayor and Fiscal Officer to clarify the refuse collection contract with Local Waste; and

WHEREAS, the parties desire to ratify the services and pass-through fees provided from September 1, 2010 through the date of this Amendment and formally clarify the pass-through fees in the contract from the date this Amendment is signed to August 31, 2013, as set forth in the resolution; and

WHEREAS, the parties desire to set forth, accept, and ratify the rates charged for the period of September 1, 2010 through the date of this Amendment and set forth a procedure for rate increases;

NOW, THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by both parties, the parties hereto agree to amend and replace sections 5.1 A. and B. as follows:

\* \* \* \* \*

Section 5.1

- A. The rates provided to the Village from September 1, 2010 through the date of this Amendment is signed are attached hereto in the \_\_\_\_\_ and incorporated herein. The rates set forth in the \_\_\_\_\_ are hereby accepted and all payments made pursuant to said schedule are hereby ratified.
  
- B. Increases to the \_\_\_\_\_, 2010 contract for pass through fees mandated by government agencies including but not limited to SWACO, Ohio EPA, or similar government agencies shall be permitted provided Contractor provides written notice of the fee increase 30 days prior to the effective date of the requested rate increase.

\* \* \* \* \*

IN WITNESS WHEREOF, the Village and the Contractor have entered into this Amendment as of this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**Local Waste**

**Village of Minerva Park**

\_\_\_\_\_  
By

\_\_\_\_\_  
Lynn Eisentrout, Mayor

\_\_\_\_\_  
Its

\_\_\_\_\_  
Attest: Nancy White, Fiscal Officer