

RESOLUTION NO. 2015 - 384

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO GRANT EXTRAORDINARY RELIEF TO ADVANCED DISPOSAL SERVICES, LLC AS PERMITTED BY THE FRANCHISE EXTENSION AGREEMENT FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE AND WAIVING THE FUEL ADJUSTMENT FEE REQUIRED TO BE PAID TO THE COUNTY.**

**WHEREAS**, St. Johns County (County) and Advanced Disposal Services, LLC (ADS) entered into a Franchise Extension Agreement (Agreement), as amended, for the collection and transportation of residential solid waste in St. Johns County, Florida, on behalf of St. Johns County;

**WHEREAS**, the County entered into an agreement with a private company for a County-sponsored Compressed Natural Gas (CNG) fueling facility (Fueling Station);

**WHEREAS**, the County estimated the construction and operation of the CNG Fueling Station by October 1, 2015, however the proposed CNG Fueling Station is not operational and may not be operational until February 2016 or later;

**WHEREAS**, the Agreement required ADS to use the Fueling Station for any vehicles using Compressed Natural Gas that the Contractor uses to collect and transport the County's residential waste;

**WHEREAS**, ADS purchased collection vehicles using CNG for fuel in anticipation of the completion and operation of the County-sponsored Fueling Station;

**WHEREAS**, section 9.11 of the Agreement requires ADS to pay a Fuel Adjustment Fee to the County when the FDOT index price less the Monthly Base Fuel Price results in a negative Unfunded Cost;

**WHEREAS**, since June 4, 2014, the County has deducted a Fuel Adjustment Fee from the County's payments to ADS, reflecting the monthly changes in the price of Number 2 Diesel;

**WHEREAS**, section 9.3 of the Agreement provides that ADS may petition the County for a rate adjustment based on extraordinary changes and has produced appropriate documentation including an audited statement that documents and demonstrates the extraordinary changes to ADS' costs;

**WHEREAS**, the Contract Administrator has reviewed and recommended approval of the requested relief;

**WHEREAS**, the Board of County Commissioners, at its sole discretion, approves this request and has determined that relief should be granted based on the documented extraordinary changes and costs;

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

1. The above recitals are hereby adopted as findings of fact.
2. Pursuant to section 9.3 of the Agreement, the Board of County Commissioners hereby grants the request for relief subject to the following conditions:
  - a. Beginning with the invoice for October 1, 2015, ADS is not required to pay a Fuel Adjustment Fee to the County under the provisions of section 9.11 of the Agreement.
  - b. No other rate adjustment waiver, or waiver of any other provision of the Agreement is granted.
  - c. Every six (6) months after the request is granted ADS shall prepare an updated audit to demonstrate why this grant of relief should remain in effect.
3. To the extent that there are typographical and/or administrative errors and/or omissions that do not change the tone, tenor, or context of this Resolution, then this Resolution may be revised without subsequent approval of the Board of County Commissioners.

**PASSED AND ADOPTED** by the Board of Board of County Commissioners of St. Johns County, Florida this 15<sup>th</sup> day of December 2015.

ATTEST: Hunter S. Conrad, Clerk

By: *Pam Halterman*  
Deputy Clerk

Rendition Date: 12/17/15

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

By: *Jeb S. Smith*  
Jeb S. Smith, Chair

Effective Date: 12/15/15

