

Ordinance

Approving a termination of the agreement with RecycleRewards and non-allocation of funds due to the necessity to fund improvements to solid waste services in the operating budget for fiscal year 2015-2016; finding that the termination and issuance of certificates of obligation for solid waste services capital improvements are both necessary and prudent; directing that a copy of this ordinance be included with the adopted FY2015-2016 Operating Budget; and providing for severance.

WHEREAS, the City and RecycleRewards entered into an incentive-based recycling program agreement approved by the City Council on October 12, 2010 (M2010-246), which agreement became effective on October 15, 2010, for a term of five years and five months, expiring on March 15, 2016;

WHEREAS, the City Council finds that the benefits of the RecycleRewards program do not justify the fee established to fund said program;

WHEREAS, the City Council finds that the RecycleRewards program is not operating in a manner likely to obviate the necessity of improvements to the City's landfill; therefore, the fee originally established to fund said program must be instead utilized for such landfill improvements;

WHEREAS, necessary capital improvements to the City's solid waste services must be made and funded in the upcoming fiscal year 2015-2016 budget;

WHEREAS, the funding of the capital improvements requires termination of the RecycleRewards agreement due to budget constrictions, and the City Council finds that the termination and requirement to issue certificates of obligation are both necessary and prudent due to circumstances necessitating the improvements;

WHEREAS, the City Council determines it advisable not to allocate funds to continue the contract with RecycleRewards in the operating budget for fiscal year 2015-2016; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS;

SECTION 1. The City Council approves terminating the agreement with RecycleRewards, effective September 30, 2015, by a non-allocation of funds in the Operating Budget for fiscal year 2015-2016, by operation of law pursuant to paragraph 16.E. of the parties' agreement, which reads as follows:

"By operation of Texas law, in the event that Municipality does not include payment of this contractual Agreement in any annual budget. Both parties recognize that the continuation of any contract after the close of any fiscal year of the City, which fiscal year ends on July 31 annually, is subject to future appropriations and budget approval providing for such contract item as an expenditure in that budget. The City does not represent that the budget item will be actually adopted, that determination being within the sole discretion of the City Council at the time of adoption of each annual budget[;]"

and further finds that the termination of the agreement and issuance of certificates of obligation to fund required solid waste capital improvements are both necessary and prudent due to circumstances necessitating the improvements in FY2015-2016.

SECTION 2. Based on the foregoing, the City Council determines it will not allocate funds to continue the contract with RecycleRewards in the Operating Budget for FY2015-2016.

SECTION 3. The City Council directs that the substance of this ordinance be incorporated with the adopted Operating Budget for FY2015-2016.

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any section, paragraph, sentence, clause, or phrase in this ordinance is declared unconstitutional or invalid by final judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid section, paragraph, sentence, clause, or phrase.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

The foregoing ordinance was read for the second time and passed finally on this the _____ day of _____, 20____, by the following vote:

Nelda Martinez	_____	Brian Rosas	_____
Rudy Garza	_____	Lucy Rubio	_____
Chad Magill	_____	Mark Scott	_____
Colleen McIntyre	_____	Carolyn Vaughn	_____
Lillian Riojas	_____		

PASSED AND APPROVED on this the _____ day of _____, 20____

ATTEST:

Rebecca Huerta
City Secretary

Nelda Martinez
Mayor