

ORDINANCE 22-\_\_

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, GRANTING TO FCC ENVIRONMENTAL SERVICES FLORIDA, LLC., THE FRANCHISE TO PROVIDE SOLID WASTE AND RECYCLABLE COLLECTION WITHIN THE CITY OF PORT ST. LUCIE PURSUANT TO THE TERMS AND CONDITIONS OF THE SOLID WASTE CONTRACT BETWEEN THE CITY OF PORT ST. LUCIE AND FCC ENVIRONMENTAL SERVICES FLORIDA, LLC. DATED MAY 19, 2022, AND AMENDMENT 1 THERETO; PROVIDING TERMS AND CONDITIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A RETROACTIVE EFFECTIVE DATE.

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**WHEREAS**, the City Council of the City of Port St. Lucie is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, pursuant to Section 166.021, Florida Statutes, the City Council has the governmental, corporate, and proprietary powers to conduct municipal government, perform municipal functions, and render municipal services; and

**WHEREAS**, pursuant to Section 9.09, Port St. Lucie City Charter, the City of Port St. Lucie ("City") is authorized to adopt an ordinance granting, renewing or extending a Franchise; and

**WHEREAS**, on May 18, 2022, the Council approved a contract between City and FCC Environmental Services Florida, LLC, with a first amendment of that contract being approved by the Council on August 22, 2022; and

**WHEREAS**, the City wishes to grant FCC an exclusive Franchise for solid waste and recyclable collection services within the City of Port St. Lucie, to the extent allowed by law and pursuant to the terms and conditions set forth in the contracts and first amendment, which are attached hereto as Exhibit A; and

**WHEREAS**, the effective date of the contract as amended was September 5, 2022, and it is the intent of the City Council to make the effective date of the Franchise to be consistent with the contract as amended; and

**WHEREAS**, the City Council hereby determines that the granting of this Franchise to be in the best interest of the health, safety and welfare of the residents and visitors of the City of Port St. Lucie.

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**NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:**

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Ordinance.

Section 2. That FCC Environmental Services Florida, LLC is hereby granted the Franchise to provide solid waste and recyclable collection services within the City of Port St. Lucie, Florida, as allowed by law, and pursuant to the terms of the contract dated May 18, 2022 with first amendment dated August 22, 2022.

Section 3. Conflict. If any ordinances or parts of ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 5. Effective Date. This Ordinance shall have a retroactive effective date of **September 5, 2022**, after final adoption on second reading.

**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2022.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Shannon M. Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
James D. Stokes, City Attorney