RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, DIRECTING THE CITY ADMINISTRATION, AS PART OF ANY REQUEST FOR QUALIFICATIONS FOR NON-EXCLUSIVE FRANCHISE WASTE CONTRACTORS, TO REQUIRE PRIVATE WASTE CONTRACTORS TO INCLUDE IN THEIR CONTRACTS WITH CUSTOMERS A TERMINATION FOR CONVENIENCE PROVISION, TO ALLOW CUSTOMERS TO TERMINATE ANY CONTRACT UPON THIRTY (30) DAYS PRIOR WRITTEN NOTICE TO THE PRIVATE WASTE CONTRACTOR, WITH THE FOREGOING REQUIREMENT INCORPORATED IN THE CITY'S FRANCHISE AGREEMENTS WITH EACH NON-EXCLUSIVE PRIVATE WASTE CONTRACTOR SELECTED TO PROVIDE WASTE COLLECTION AND DISPOSAL SERVICES IN THE CITY.

WHEREAS, on October 16, 2019, the Mayor and City Commission adopted Resolution No. 2019-31056, extending a renewal of the City's Non-Exclusive Franchise Waste Contractor Agreements and new Service Agreement for a period of three (3) years, Commencing as of October 1, 2019 and expiring on September 30, 2022; and

WHEREAS, at its July 20, 2022 meeting, the Mayor and City Commission adopted Resolution No. 2022-32228, approving the extension of the Agreement on a month-to-month basis of the contract term for the non-exclusive commercial franchise waste contractor agreement and service agreement with Waste Management Inc. of Florida, and Waste Connections of Florida, Inc., for a period not to exceed September 30, 2023; and

WHEREAS, at the March 27, 2023 City Commission meeting, the City Commission was advised that the Finance and Economic Resiliency Committee was completing its review of the matter, and intended to make a recommendation to the City Commission at the April 28, 2023 meeting regarding whether to proceed with a non-exclusive franchise framework; and

WHEREAS, proponents of the non-exclusive framework assert that the public is better served with free market competition, and that the invisible hand of the free market will somehow sufficiently protect consumers and ensure that waste management companies remain accountable for providing their customers with the best possible service; and

WHEREAS, if the City Commission desires to proceed with a non-exclusive franchise framework grounded on free market principles, it is imperative that the same free market principles apply to customers, and their right to freely choose between private waste haulers based on levels of service, operational efficiencies,

and cost, without being locked into long-term agreements with automatic renewals and onerous terms; and

WHEREAS, based on the foregoing, the Mayor and City Commission direct the City Administration, consistent with the free market principles underpinning the City's regulation of franchise waste haulers, to require the private waste contractors to include in their contracts with customers a termination for convenience provision, thereby allowing all customers the ability to terminate their contracts upon thirty (30) days written notice to the private waste collector.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby direct the City Administration, as part of any request for qualifications for non-exclusive franchise waste contractors, to require private waste contractors to include in their contracts with customers a termination for convenience provision, to allow customers to terminate any contract upon thirty (30) days prior written notice to the private waste contractor, with the foregoing requirement incorporated in the City's franchise agreements with each non-exclusive private waste contractor selected to provide waste collection and disposal services in the City.

PASSED AND ADOPTED this ____day of _____ 2023.

_____
Dan Gelber, Mayor

ATTEST:

_____
Rafael E. Granado, City Clerk

(Sponsored by Commissioner Kristen Rosen Gonzalez)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney FA 4-17-23 Date