



# City of Grand Island

Tuesday, October 14, 2014

Council Session

## Item I-4

**#2014-309 - Consideration of Approving Agreement with the Clean Community Systems**

Staff Contact: Robert Sivick

# Council Agenda Memo

**From:** Stacy R. Nonhof, Assistant City Attorney

**Meeting:** October 14, 2014

**Subject:** Agreement with Grand Island Area Clean Community System

**Item #'s:** I-4

**Presenter(s):** Robert Sivick, City Attorney

## Background

As part of the FY 2014-15 annual budget that was approved on September 9, 2014, an appropriation of \$20,000.00 to Grand Island Area Clean Community System was made. Prior to any monies being paid out to Grand Island Area Clean Community System, an Agreement is needed to specify the obligations of each party and payment terms.

## Discussion

The Legal Department drafted a proposed Agreement and submitted it to Clean Community System for approval. The Executive Director and Board of Directors for Clean Community System have approved the proposed Agreement. Some of the obligations of CCS are: develop and print 20,000 utility bill inserts one to two times per year on environmental issues; develop and print 20,000 recycling brochures annually, updating recycling opportunities in Grand Island; provide and maintain information on environmental/recycling issues and concerns; provide consulting services to implement integrated solid waste plans; conduct presentations on environmental issues and concerns to school groups, civic organizations and governmental agencies; and secure grant funding on an annual basis to provide household hazardous waste collection and disposal services for the citizens of Grand Island. The full Agreement is attached for your review.

The City will pay CCS on a quarterly basis and not the full amount up front as has been done in the past. Both parties have the right to terminate this agreement now upon 60 days written notice.

## **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

## **Recommendation**

City Administration recommends that the Council approve Resolution 2014-309 authorizing the City of Grand Island to enter into the Agreement with Grand Island Area Clean Community System.

## **Sample Motion**

Move to approve Resolution 2014-309.

## AGREEMENT

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, by and between the **CITY OF GRAND ISLAND, NEBRASKA**, a Municipal Corporation, hereinafter referred to as "City", and **GRAND ISLAND AREA - CLEAN COMMUNITY SYSTEM**, hereinafter referred to as "CCS".

WHEREAS, the City is authorized to establish and provide for the support of any service, facility, or system required by the Integrated Solid Waste Management Act pursuant to the authority of Section 13-2021 of the Nebraska Revised Statutes, as amended; and

WHEREAS, the Integrated Solid Waste Management Act requires the implementation of a solid waste management plan to provide for a local waste reduction and recycling program; and

WHEREAS, the CCS actively educates the public on recycling and solid waste and other environmental issues, and provides an educational resource center on such issues; and

WHEREAS, the City desires to and the City Council has approved such expenses within the 2014-2015 fiscal year's budget adopted by City Council on September 9, 2014 to contract with CCS to perform certain services associated with environmental, solid waste and recycling matters.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the City and the CCS agree as follows:

1. **RESPONSIBILITIES.** The CCS agrees to perform the following services pursuant to this agreement:

(A) Develop and print 20,000 utility bill inserts one to two times per year on environmental issues.

(B) Develop and print 20,000 recycling brochures annually, updating recycling opportunities in Grand Island.

(C) Work with local recyclers to identify public misunderstanding of existing recycling programs. Assist in providing public education to maximize recycling program use and minimize problems.

(D) Foster and support corridor litter controls and beautification groups and organizations.

(E) Provide and maintain information on environmental/recycling issues and concerns.

(F) Provide consulting services to implement integrated solid waste plans.

(G) Endorse and encourage recycling through educational presentations.

(H) Conduct presentations on environmental issues and concerns to school groups, civic organizations and governmental agencies.

(I) Coordinate community clean-ups with the City of Grand Island Solid Waste Superintendent.

(J) Work with the Solid Waste Superintendent to collect and evaluate recycling/diversion data from local recyclers.

(K) Secure grant funding on an annual basis to provide household hazardous waste collection and disposal services for the citizens of Grand Island.

2. COMPENSATION. In consideration of the CCS performing the services provided for in this agreement, the City agrees to pay the CCS Twenty Thousand and No/100 Dollars (\$20,000.00). Payment shall be made in four (4) quarterly installments of Five Thousand and No/100 (\$5,000.00) with the first installment due and payable upon execution of this agreement by all parties, and upon approval of this agreement by the Grand Island City Council.

3. TERM. This agreement shall take effect upon its approval by the City Council and execution by the Mayor, and shall terminate on September 30, 2015.

4. LIMITATION. CCS hereby agrees that the money paid by the City hereunder shall be used solely and specifically for the purposes stated herein.

5. TERMINATION. Either party may terminate this contract upon sixty (60) days written notice to the other party.

6. ENTIRE AGREEMENT. This agreement constitutes the entire agreement between the City and CCS notwithstanding any other oral agreements or understandings to the contrary and may be amended only in writing, approved and executed as required by law.

IN WITNESS WHEREOF, this agreement is executed by the respective parties.

CITY OF GRAND ISLAND, NEBRASKA,  
A Municipal Corporation,

By: \_\_\_\_\_  
Jay Vavricek, Mayor

Attest: \_\_\_\_\_  
RaNae Edwards, City Clerk

GRAND ISLAND AREA - CLEAN  
COMMUNITY SYSTEM

By: \_\_\_\_\_  
Debra Larson, Executive Director

STATE OF NEBRASKA    )  
  ) ss  
COUNTY OF HALL        )

On \_\_\_\_\_, 2014, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Debra Larson, Executive Director for the Grand Island Area - Clean Community System, known personally to me to be the identical person who signed the foregoing Agreement and acknowledged the execution thereof to be her voluntary act and deed for the purpose therein expressed.

WITNESS my hand and notarial seal the date above written.

\_\_\_\_\_  
Notary Public

RESOLUTION 2014-309

WHEREAS, the City of Grand Island approved an appropriation of Twenty Thousand and No/100 Dollars (\$20,000.00) to Grand Island Area Clean Community System in the FY 2014-15 budget; and

WHEREAS, the City Of Grand Island and Grand Island Area Clean Community System have reached an Agreement for services and payment; and

WHEREAS, Grand Island Area Clean Community System has executed said Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island be, and hereby is, authorized to enter into the Agreement with Grand Island Area Clean Community System.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute such Agreement on behalf of the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, October 14, 2014.

\_\_\_\_\_  
Jay Vavricek, Mayor

Attest:

\_\_\_\_\_  
Nicki Stoltenberg, Assistant to the City Administrator

Approved as to Form<sup>2</sup> \_\_\_\_\_  
October 10, 2014 City Attorney