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3 **A RESOLUTION re-establishing market-based garbage collection**
4 **in the City of Fort Wayne by enforcing the terms of the current**
5 **contract and by refraining from entering into a new contract**
6

7 **WHEREAS**, the City of Fort Wayne is currently engaged in a contractual relationship with Red
8 River Waste Solutions LP, which contract pertains to garbage collection for all of the residents of the City
9 of Fort Wayne (hereinafter referred to as "Red River Garbage Contract");
10

11 **WHEREAS**, since the inception of the Red River garbage contract the residents of the City of
12 Fort Wayne are not receiving the quality of garbage collection that they expect and demand;

13 **WHEREAS**, residents of the unincorporated jurisdictions of Allen County, numbering over
14 100,000, have satisfactory garbage collection in neighborhoods that are essentially identical to many of
15 the neighborhoods within the City of Fort Wayne in terms of density, street type, house type and service
16 expectation, despite no governmental requirement to utilize only one specific garbage disposal company;

17 **WHEREAS**, prior to annexation, residents of the most recently annexed portions of Aboite
18 Township enjoyed satisfactory garbage collection in neighborhoods that are essentially identical to many
19 of the neighborhoods in of parts of the City of Fort Wayne in terms of density, street type, house type and
20 service expectation, despite no governmental requirement to utilize only one specific garbage disposal
21 company;

22 **WHEREAS**, requiring Fort Wayne residents to use one garbage collection contractor effectively
23 imposes a garbage collection monopoly on Fort Wayne residents.

24 **WHEREAS**, residents are seeking alternatives to the current governmental requirement that all
25 residents of Fort Wayne utilize one particular contractor for garbage disposal;

26 **WHEREAS**, while the City of Fort Wayne, in good faith, contracted garbage collection services
27 in the manner prescribed by Indiana statute, it is never-the-less experiencing difficulty in satisfying its
28 obligation to collect garbage in a timely and satisfactory fashion; and

29 **WHEREAS**, competition and freedom of choice of contractor, level of service, and price would
30 allow the market forces to come to equilibrium efficiently, ensuring that residents have recourse to
31 resolve dissatisfaction in a timely manner.

32 **NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY**
33 **OF FORT WAYNE, THAT:**

34 **Section 1.** The Common Council requests the City Administration apply the contractually
35 prescribed fines pursuant to the Red River garbage contract to their fullest extent.

36 **Section 2.** The Common Council requests that the City Administration refrain from entering into
37 any future long-term garbage collection contracts.


38 **Section 3.** In the event the Red River Garbage Contract is terminated for any reason or the current
39 garbage collection contractor otherwise refuses to continue to perform its obligations under the
40 aforementioned contract, the Common Council requests that, first, the City of Fort Wayne initiate


1 trash pickup so that there is no break in service to its residents, and, second, that the City of Fort
2 Wayne enter into a short term emergency contact for a period of three (3) to six (6) months or
3 whatever timeframe is necessary (hereinafter referred to as "Limited Contract") to allow Fort
4 Wayne residents sufficient time to transition to private garbage collection. The cost associated
5 with the Limited Contract shall be paid for by utilization of funds contained in the Solid Waste
6 Fund.

7 **Section 4.** In the event the current garbage collection contract is terminated or the current garbage
8 collection contractor otherwise refuses to continue to perform its obligations under the existing
9 contract, the Common Council requests that, upon the termination of the Limited Contract
10 identified in Section 3 and after Fort Wayne residents evidence their transition to private garbage
11 collection, garbage collection fees be eliminated from City Utilities billing by the end of the year
12 in which the Limited Contract is terminated.

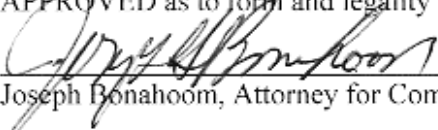
13 **Section 5.** Common Council encourages the administration to evaluate alternatives for areas
14 within the that may not conducive to modern, efficient, garbage collection techniques that allow
15 for low cost collection. These areas, such as those in tight alleys, may require another approach,
16 to be determined during the intervening period between when it is established that the current
17 contract is not operative and the termination of temporary contract contemplated in Section 3 of
18 this resolution.

19 **Section 6.** This resolution, although non-binding, is being sent to the mayor whose signature
20 shall signify the Mayor's agreement with the requested actions contained in this resolution.

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24 _____
25 Jason Arp Council Member

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28 _____
29 Paul Ensley Council Member

30 APPROVED as to form and legality by

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32 _____
33 Joseph Bonahoom, Attorney for Common Council
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Tom Henry, Mayor

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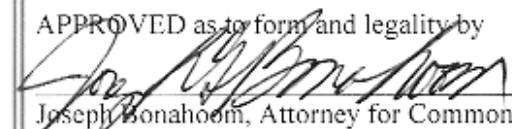
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13 **Section 5.** This resolution, although non-binding, is being sent to the mayor whose signature
14 shall signify the Mayor's agreement with the requested actions contained in this resolution.

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18 Jason Arn Council Member

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22 Paul Ensley Council Member

23 APPROVED as to form and legality by

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25 Joseph Bonahoom, Attorney for Common Council
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Tom Henry, Mayor

BILL NO. R-19-07-36

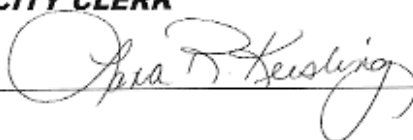
REPORT OF COMMITTEE ON REGULATIONS
August 20, 2019

Tom Freistroffer Chair
Michael Barranda Co-Chair
All Council Members

A Resolution re-establishing market-based garbage collection in the City of Fort Wayne by enforcing the terms of the current contract and by refraining from entering into a new contract

COMMITTEE ON REGULATIONS HAVE HAD SAID Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
_____	_____	_____	_____
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LANA R. KEESLING
CITY CLERK


BILL NO. R-19-07-36

AS AMENDED

REPORT OF COMMITTEE ON REGULATIONS

September 10, 2019

Tom Freistroffer Chair

Michael Barranda Co-Chair

All Council Members

A Resolution re-establishing market-based garbage collection in the City of Fort Wayne by enforcing the terms of the current contract and by refraining from entering into a new contract

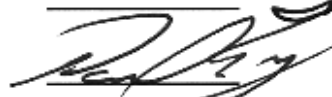


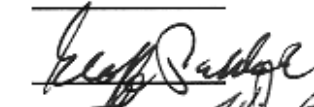
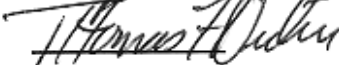
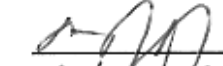
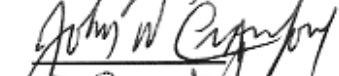

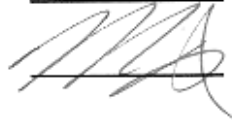
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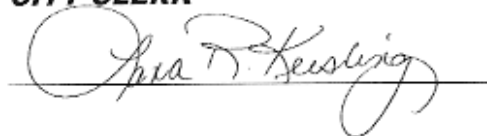
DO NOT PASS

ABSTAIN

NO REC

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**LANA R. KEESLING
CITY CLERK**



Public Hearing Date: N/A

Read the first time in full and on motion by Councilman Freistroffer.

Read the second time by title and referred to the Regulations Committee.

Read the third time in full and on motion by Councilman Freistroffer, placed on passage by the following vote:

<u>TOTAL VOTES</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
ARP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BARRANDA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CRAWFORD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DIDIER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ENSLEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FREISTROFFER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HINES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JEHL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PADDOCK	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATED: September 10, 2019



LANA R. KEESLING, CITY CLERK