

**MEMORANDUM**

**TO:** MAYOR AND CITY COMMISSION  
**FROM:** CITY ATTORNEY'S OFFICE  
**DATE:** September 4, 2018  
**RE:** **Extension of Solid Waste Disposal Agreement with Polk County**

Attached hereto for your consideration is a proposed letter agreement with Polk County for disposal rates at the landfill. In 2008, the City and County entered into an agreement that provided a substantial discount to the City of Lakeland for tipping fees at the North County Landfill. The term of the Agreement was for 10 years and is set to expire on September 30, 2018, and was intended to protect the City from projected cost increases for an extended period of time.

The County has indicated that they have no interest in continuing the Agreement for several reasons, but mostly because the landfill operation has become more efficient and costs have not risen at the rate anticipated 10 years ago. In order to allow the City to better plan for the increased cost, the parties have agreed to extend the existing rates for an additional year through September 30, 2019, which will continue a rate of \$5.54 less than the County's existing rate. That agreement is codified in the letter from the County Manager attached.

It is recommended that the City Manager be authorized to execute the extension.

attachment

**James P. Freeman**  
County Manager

Deputy County Managers:

**Lea Ann Thomas**  
**William D. Beasley**  
**Joe N. Halman, Jr.**



**Board of County Commissioners**

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PO Box 9005 • Drawer CA01  
Bartow, Florida 33831-9005

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August 10, 2018

**Received**

**AUG 20 2018**

**City Manager**

Tony Delgado, City Manager  
City of Lakeland  
228 S. Massachusetts Avenue  
Lakeland, FL 33801

**Re: Agreement for Disposal of Solid Waste executed Fiscal Year 2008-09 (the "Agreement")**

Dear Mr. Delgado:

*Tony*

The City of Lakeland (the "City") and Polk County (the "County") entered into the referenced Agreement to mutually benefit each party by giving the City a discounted waste disposal rate structure in exchange for the City delivering all its Eligible Solid Waste (as defined in the Agreement) to the County's North Central Landfill (the "NCLF"). At that time, the parties anticipated the NCLF disposal rate would steadily increase so the discounted disposal rate structure would provide the City significant savings over the Agreement term.

Although the NCLF disposal rate did increase during the initial years of the Agreement, the anticipated continual rate increases never occurred. Instead, by implementing substantially more efficient landfill development and operational plans, in 2013 the County reduced the NCLF disposal rate from \$37.95/ton to \$36.50/ton and has sustained that rate for the past five years. Because of the Agreement, the City has paid a slightly lower NCLF disposal rate during that time period. In 2008/2009 the County hoped it would be able to minimize the NCLF disposal rate increases over the initial 10-year Agreement term; it never envisioned it would be able to reduce and sustain such a low disposal rate over an extended time period. Yet, with the demonstrated success of its adopted landfill business model, the County is now confident it can maintain the NCLF disposal rate into the future at a low rate not thought possible in 2008/2009. With future progressive NCLF disposal rate increases no longer foreseeable, a primary reason for the Agreement no longer exists.

Consequently, the County will not continue the Agreement for the additional 10-year renewal term provided in Section 4.A. of the Agreement. However, as the parties are already far advanced in their planning for the upcoming fiscal year and the Agreement would otherwise expire September 30, 2018, the County will agree to extend the initial Agreement term until September 30, 2019. If the City concurs with the proposed one year extension, please sign both this letter and its enclosed counterpart, keeping one fully executed counterpart for the City's records and sending the other to me.

Tony Delgado, City Manager  
City of Lakeland  
August 10, 2018  
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The County greatly appreciates the City's past and ongoing support of its landfill operations at the NCLF and believes the residents and the businesses of Lakeland will continue to benefit from those operations in the future.

Very truly yours,



Jim Freeman  
County Manager

Accepted and Agreed:

**City of Lakeland, Florida**

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Tony Delgado, City Manager

Date: \_\_\_\_\_, 2018