

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20130055

1. ACTION REQUESTED/PURPOSE:

1. Approve the request to change the ownership and control of the Solid Waste and Recycling Collection Franchise Contractor, Veolia ES Solid Waste Southeast, Inc. ("Veolia") owned by Veolia ES Solid Waste of North America, LLC, to ADS Waste Holdings, Inc.
2. Authorize the Chairman and the Solid Waste Division to sign all necessary documents, as appropriate, to complete this transfer/assignment of the two franchise agreements (e.g., contract amendments provide for such change, insurance, bond, guarantee, etc.). Veolia holds the franchise solid waste and recycling collection contracts for service areas 1 and 2 (Lee Contract Nos. 5170 and 5171 respectively). Franchise Area 1 is comprised primarily of the Bonita Springs area and the Town of FM Beach. Franchise Area 2 is comprised of the Iona/McGregor area and the south unincorporated area west of US Route 41. For informational purposes, the local operating company referred to above as Veolia will change its name to "Advanced Disposal Services Solid Waste Southeast, Inc."

2. FUNDING SOURCE:

No funds required.

3. WHAT ACTION ACCOMPLISHES:

Confirms the Board's approval to transfer/assign the Solid Waste and Recycling Collection Franchise Contracts Nos. 5170 and 5171 and their contracted operating companies (Veolia) to a different parent company.

4. MANAGEMENT RECOMMENDATION: Approve

5. Departmental Category: A8A

6. Meeting Date: 1/29/2013

7. Agenda:

Administrative

8. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin Code
- Other Agrmt

9. Request Initiated

Commissioner: All
Department: SOLID WASTE
Division: No Divisions
By: Lindsey Sampson

10. Background:

Veolia ES Solid Waste Southeast, Inc. (Veolia) has requested that Lee County approves the change of ownership and control of its Lee County solid waste and recycling collection franchise contracts for franchise areas 1 and 2 to ADS Waste Holdings, Inc. Veolia currently has the responsibility for the areas of Bonita Springs, FM Beach, Iona/McGregor, and areas west of Route 41 (and south of Ft. Myers). These contracts were awarded in 2010 with an initial operations date of October 1, 2010 and have a term through September 30, 2015.

This change will have no impact on the contracted "collection fees" or level of service.

The Solid Waste Division recommends approval of the request because:

- Advanced Disposal Services (aka ADS) is a publicly traded company and now has close to 2 million customers with the purchase of Veolia ES North America.
- All assets (trucks, dumpsters, bins, etc.) are included in the purchase and should provide sufficient resources to continue to provide contract service to franchise areas 1 and 2.
- The Division projects a seamless transfer of ownership without customer interruption including customer service levels consistent with the franchise agreements. Some questions may arise upon the full implementation of the name change to Advanced Disposal Services Solid Waste Southeast, Inc.

11. Required Review:

<i>Lindsey Sampson</i>	<i>Tricia Jackson</i>	<i>David Harris</i>	<i>Jack Peterson</i>	<i>Pam Keyes</i>	
SOLID WASTE	Budget Analyst	Budget Services	County Attorney	Public Works Director	

12. Commission Action:

Attachments: Draft Amendments No. 1, for service areas 1 and 2.

Advanced Letter dated 12-19-12.

Waste & Recycling news article dated 11-26-12

Letter by L. Sampson dated 12-26-12