

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE  
FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE  
CITY COUNCIL**

**AN ORDINANCE**

**AMENDING THE ORGANIC COMPOSTING CONTRACT WITH NEW  
EARTH, INC., TO INCREASE THE CONTRACT VALUE BY \$720,000.00  
PER YEAR AND TO ADD PROVISIONS FOR NEW EARTH, INC. TO  
REIMBURSE THE CITY FOR FEEDSTOCK**

\* \* \* \* \*

**WHEREAS**, City Council approved Ordinance 2013-01-31-0077 to establish a subscription based program for Organics Recycling, after the conclusion of a pilot program, consisting of a third collection cart that is used by residents to dispose of organic materials such as grass clippings, leaves, shredded paper, kitchen scraps, food-soiled paper and soiled pizza boxes; and

**WHEREAS**, City Council approved Ordinance 2014-02-20-0088, which selected New Earth, Inc., and awarded a contract for organic material processing services, at a cost of \$16.50 per ton of organic material, in an amount estimated at 10,000 tons annually after the first year, for an initial term of five years with five renewal options, with the organic materials collected by Solid Waste Management Department crews using automated equipment and delivered to New Earth, Inc. for processing into compost, which is marketed and sold by the contractor; and

**WHEREAS**, as part of the FY2016 Budget, Council approved the Pay As You Throw Program which will provide organics collection containers to all residential customers which will substantially increase the volume of organic material collected by the SWMD and requires the increased contract value with New Earth, Inc.; and

**WHEREAS**, the amendment to the contract for organic material processing services with New Earth, Inc. increases the total contract value by \$720,000.00 per year, with a new contract amount not to exceed \$1,320,000.00 per year for the remainder of the initial five year term through February 28, 2019, and authorizes New Earth, Inc., to reimburse the City \$0.50 per ton of coarse mulch when collected from the Bitters Brush Recycling Center, and \$0.25 per ton of coarse mulch when collected from the Nelson Gardens Brush Recycling Center; and

**WHEREAS**, this Ordinance authorizes and approves the amendment to the organic material processing services contract with New Earth, Inc., by an additional \$720,000.00 per year and adding provisions for New Earth, Inc., to reimburse the City for feedstock; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The current contract for organic material processing services with New Earth, Inc., is amended to increase the contract value by an additional amount not to exceed \$720,000.00 a year, for a new total contract value not to exceed \$1,320,000.00 per year for the remainder of the initial five year term through February 28, 2019, and to authorize the Solid

Waste Management Department to accept reimbursement from New Earth, Inc. for feedstock provided from the City brush sites. A copy of the contract Amendment is attached as **Exhibit "A"** and made a part hereof and incorporated herein for all purposes.

**SECTION 2.** Additional annual funding for the duration of this contract in the amount of \$720,000.00 per year for this ordinance is available in Fund 55001000, Cost Center 5501010001 and General Ledger 5201041, as part of the Fiscal Year 2016 Budget and contingent upon City Council approval of subsequent fiscal years.

**SECTION 3.** Payment not to exceed the budgeted amount is authorized to New Earth, Inc., and should be encumbered with a purchase order. This ordinance also authorizes New Earth, Inc., to reimburse the City \$0.50 per ton of coarse mulch when collected from the Bitters Brush Recycling Center and \$0.25 per ton of coarse mulch when collected from the Nelson Gardens Brush Recycling Center.

**SECTION 4.** The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance, may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** This Ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes or, if passed by fewer than eight (8) affirmative votes, shall be effective ten (10) days after passage.

**PASSED and APPROVED** this \_\_\_\_st day of \_\_\_\_\_, 2015.

**M A Y O R**  
Ivy R. Taylor

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Martha G. Sepeda, Acting City Attorney