

**ORDINANCE NO. 2023- \_01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CUERO, TEXAS THAT AMENDS A CONTRACT FOR MUNICIPAL SOLID WASTE COLLECTION SERVICES BETWEEN THE CITY OF CUERO AND TEXAS DISPOSAL SERVICES, INC. BY INCREASING THE RATE IN SAID CONTRACT FOR COLLECTION SERVICES PROVIDED TO THE CITY OF CUERO BY 6% AND REMOVING ANY RATE INCREASE PROVIDED IN SAID CONTRACT PREVIOUSLY SET TO TAKE EFFECT IN FEBRUARY OF 2023; PROVIDING FOR CONSTRUCTION OF THIS ORDINANCE UPON THE INVALIDITY OF ANY PART THEREOF; PROVIDING FOR AN EFFECTIVE DATE THEREOF; REPEALING ALL OTHER ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND PRESCRIBING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Cuero and Texas Disposal Systems, Inc. entered into a contact with an effective date of October 1, 2015 for Texas Disposal Systems, Inc. (“Contract”) to provide the City of Cuero with solid waste collection and disposal services; and

**WHEREAS**, by the terms of said Contract, Texas Disposal Systems, Inc. charges the City of Cuero those rates for solid waste collection as provided in the Contract, to which the City of Cuero pays to Texas Disposal Systems, Inc and then the City of Cuero charges and collects for solid waste disposal from its customers; and

**WHEREAS**, the City of Cuero and Texas Disposal Systems, Inc. agree to amend said Contract to allow Texas Disposal System, Inc. an increase in the rate charged by the Texas Disposal Services, Inc. to the City of Cuero for solid waste collection and disposal services; and

**WHEREAS**, this City Council does hereby approve the amendment to the Contract by increasing the rate by 6% as depicted in the form attached hereto as Exhibit “A”, with said increase in rates depicted on the attachment “A” to Exhibit “A” attached hereto and those terms and conditions as contained therein; and

**WHEREAS**, the City of Cuero and Texas Disposal Systems, Inc. also agree to amend the Contract to provide no such rate increase shall take place in February, 2023, as previously indicated in the Contract; and

**WHEREAS**, this City Council does hereby approve the amendment to the Contract by providing that there will be no rate increase on October 1, 2023 as provided in the form attached hereto as Exhibit “A”, depicted on the attachment “A” to Exhibit “A” attached hereto and those terms and conditions as contained therein; and

**WHEREAS**, all other terms and conditions of said Contract thereto shall remain valid and unchanged; and

**WHEREAS**, this City Council does hereby authorize and direct the Mayor of the City of Cuero to execute the amendment to the Contract hereto as Exhibit “A” and all documents associated therewith; and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS:**

SECTION ONE. The matters and facts recited in the preamble hereof are hereby found and determined to be true and correct and incorporated herein by reference as if fully set forth herein.

SECTION TWO. The City of Cuero and Texas Disposal Systems, Inc. agree to amend the Contract for solid waste collection and disposal services by increasing the rate charged by Texas Disposal Systems, Inc to the City of Cuero to 6%.

SECTION THREE. The City of Cuero and Texas Disposal Systems, Inc. agree to amend the Contract for solid waste collection and disposal services by removing any rate increase for October 1, 2023.

SECTION FOUR. If any clause, sentence, or section of this Ordinance shall be held to be invalid, it shall not affect the remaining portions of this Ordinance, which shall remain valid and effective as if such invalid provision did not exist, although the parties shall be entitled to a judicial interpretation or construction of this Ordinance to address the validation of such provision by minimal amendment thereof.

SECTION FIVE. This ordinance shall take effect and be in full force immediately from and after thirty (30) days after the date of its final passage after the required three (3) readings and publications, as provided by the Statutes of the State of Texas and the Home Rule Charter of the City of Cuero, Texas.

SECTION SIX. Full text of Ordinance shall be published once, within fifteen (15) days following the first reading, in a newspaper of general circulation in the City.

SECTION SEVEN. Each and every other ordinance or part thereof which is directly in conflict with any provision herein is hereby repealed.

SECTION EIGHT. That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

FIRST READING

UPON MOTION OF COUNCILMEMBER \_\_\_\_\_, SECONDED BY COUNCILMEMBER \_\_\_\_\_, THAT THE ORDINANCE BE ADOPTED: AYES: \_\_\_\_\_ NAYES: \_\_\_\_\_ MOTION CARRIED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

SECOND READING

UPON MOTION OF COUNCILMEMBER \_\_\_\_\_, SECONDED BY COUNCILMEMBER \_\_\_\_\_, THAT THE ORDINANCE BE ADOPTED: AYES: \_\_\_\_\_ NAYES: \_\_\_\_\_ MOTION CARRIED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

THIRD READING

UPON MOTION OF COUNCILMEMBER \_\_\_\_\_, SECONDED BY COUNCILMEMBER \_\_\_\_\_, THAT THE ORDINANCE BE ADOPTED: AYES: \_\_\_\_\_ NAYES: \_\_\_\_\_ MOTION CARRIED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
Sara Post Meyer  
Mayor

ATTEST:

\_\_\_\_\_

Jennifer Zufelt  
City Secretary

APPROVED AS TO LEGALITY:

\_\_\_\_\_

James K. Crain, III  
City Attorney