

**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**

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

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

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

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

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

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

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

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

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

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

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

Section 3. In the event the Red River Garbage Contract is terminated for any reason or the current garbage collection contractor otherwise refuses to continue to perform its obligations under the 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 contract 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.** 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 Arp 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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35 Tom Henry, Mayor
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