

COUNCIL CHAMBERS

January 11, 2023

WHEREAS, Empire Disposal, Ltd. holds a solid waste disposal franchise pursuant to Ordinance No. 26632, adopted by the City Council on 28 March 2007 ("the Ordinance"), for use of the city streets for the collection and hauling of waste, in accordance with the regulations of Chapter XIV of the City Charter and Chapter 18, Article IV, of the Dallas City Code; and

WHEREAS, Section 8, TRANSFER OF OWNERSHIP, of the Ordinance requires the prior written consent of the City Council for a transfer or acquisition of control of the franchisee; and

WHEREAS, on 19 May 2022, Empire Disposal LTD gave notice that Empire Disposal LTD had entered into a purchase agreement with Warner Alan/Waste Advantage Partners, LLC for the purchase of 100% of the ownership interests of Empire Disposal LTD which closed on or about 20 November, 2020; and

WHEREAS, Warner Alan/Waste Advantage Partners, LLC submitted a complete and accurate application for consent on 12 October 2022, and Waste Advantage Partners, LLC has complied with the City's approval requirements of the Ordinance, except for obtaining City Council approval prior to the close of the transaction; and

WHEREAS, the City Council has 120 days from the date of submission of a complete and accurate application to act upon the application for consent, and the City Council shall not unreasonably withhold its consent, but the City Council may grant such consent with conditions which it finds are necessary to ensure performance by Waste Advantage Partners, LLC under the Ordinance; and

WHEREAS, due to the representation by Warner Alan/Waste Advantage Partners, LLC that economic circumstances prevented the delay of the transfer until City Council consent was obtained, the Director of Sanitation Services requests that the City Council approve the transfer of control with the understanding that the City Council's granting of consent in this one instance shall not require it to grant consent in other instances.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Council consents to the transfer of control of Empire Waste, LTD to Warner Alan/Waste Advantage Partners, LLC and Waste Advantage Partners, LLC is now the franchisee under Ordinance No. 26632.

SECTION 2. That nothing in this consent shall be construed to waive or release any rights of the City of Dallas to require prior written consent of the City Council for any transfer of control, acquisition, or assignment of any solid waste franchise ordinance granted by the City Council or to the right to audit and to require payment of any past due fees owed to the city.

SECTION 3. That the granting of this consent by the City Council does not authorize future transfers of control, acquisition, or assignment by Warner Alan/Waste Advantage Partners, LLC without first obtaining the prior consent of the City Council.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.