

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1995 Legislative Session

Bill No. _____ CB-22-1995

Chapter No. _____ 10

Proposed and Presented by Chairwoman MacKinnon (by request - County Executive)

Introduced by Council Members MacKinnon, Bailey, Del Giudice, Estep, Gourdin,
Maloney, Russell, Scott, and Wilson

Co-Sponsors

Date of Introduction _____ May 2, 1995

EMERGENCY BILL

AN EMERGENCY ACT concerning

Refuse Collection

For the purpose of amending the requirement for a written poll to be conducted by the Purchasing Agent prior to extending refuse collection contracts.

BY repealing and reenacting with amendments:

Section 5,

Chapter 44,

Laws of Prince George's County, Maryland, 1987.

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that the County Council hereby finds and determines that the procedure for awarding a renegotiated contract for the collection of waste and recyclable materials, as set forth in Section 5, Chapter 44, Laws of Prince George's County, Maryland, 1987, (CB-35-1987), has been found in practice to be impractical and inefficient.

SECTION 2. BE IT FURTHER ENACTED that Section 5 of Chapter 44 (CB-35- 1987) of the Laws of Prince George's County, Maryland, 1987, be and the same is hereby repealed and reenacted to read as follows:

Chapter 44 of the Laws of Prince George's County, Maryland, 1987

"SECTION 5. BE IT FURTHER ENACTED that at the conclusion of the extended contract period mandated under Section 4 of this Act, the Purchasing Agent shall

competitively bid refuse collection contracts in accordance with Section 2 of this Act, in the order of the length of time that contracts have been in effect. In the event and at such time that the Prince George's County Charter is amended to permit the negotiation of residential refuse collection contracts, the Purchasing Agent may negotiate extension of contracts without regard to the foregoing requirement for competitive bid and any contract extended under Section 4 of this Act shall be eligible for further extension in accordance with Section 21-120(c) of the Prince George's County Code, as amended by this Act, for two (2) additional periods of seven (7) years each; provided, however, that negotiation of contract extensions under this Section may be concluded only after the Purchasing Agent conducts a written poll in the areas to be serviced. Negotiation as to prices and types of service offered shall be completed prior to the conduct of the poll. Each poll shall meet the following requirements:

1. [At least twenty percent (20%) of all residences to be serviced must respond.

2.] At least a simple majority of all written responses from residents of the service area must favor continuing service with the same contractors.

[3] 2. The document used in the polling process must contain the following information and terms:

(a) Each type of service proposed under the extended contract must be clearly named or defined on the polling document;

(b) An actual dollar price for each pickup or time period under each type of service proposed under an extended contract. Nothing herein shall prohibit the use of an escalation clause to adjust a fixed dollar amount to a reasonable standard measuring dollar valuation or consumer price indices;

(c) Estimated price ranges for rebidding contracts and responses for each type of service proposed by the contractor; and

(d) A place for the County Executive to sign on each of the polling documents to show his consent to the conducting and manner of the poll. Nothing herein shall be construed to prohibit the County Executive from authorizing a facsimile signature or delegating his authority to sign to another person.

[4] 3. All completed poll documents shall be forwarded to the Clerk of the Council to be kept on file."

SECTION 3. BE IT FURTHER ENACTED that in accordance with the provisions of Section 317 of the Charter, the County Council hereby declares that a public emergency exists affecting the public health, safety, and welfare; said emergency being the need to amend the laws of the County in order to permit expeditious extension of existing refuse collection contracts.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect on the date it becomes law.

Adopted this 23rd day of May, 1995, by an affirmative vote of two-thirds of the members of the full County Council.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:
Anne T. MacKinnon
Chairwoman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY:
Wayne K. Curry
County Executive

KEY:
Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.