

ORDINANCE NO. 2023-05

AN ORDINANCE AUTHORIZING AND DIRECTING TERMINATION OF AGREEMENT BETWEEN THE CITY OF HEBER SPRINGS AND GREERS FERRY TOTAL PROPERTY MAINTENANCE, LLC, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

WHEREAS, the City Council of the City of Heber Springs, Arkansas, recognizes its obligation to provide for the collection and disposal of yard waste and tree trimmings at a reasonable cost to the City;

WHEREAS, the City Council of the City of Heber Springs acknowledges it has limited resources with which to provide said services;

WHEREAS, the City entered into an Agreement dated November 17, 2022, with Greers Ferry Total Property Maintenance, LLC ("Contractor"), an Arkansas Limited Liability Company in good standing, where the intent of the Agreement was to establish a relationship whereby the City would provide payment to the Contractor, which in turn would collect and dispose of the City's yard waste and tree trimmings;

WHEREAS, Section 5, Paragraph B of the aforementioned Agreement provides as follows:

"In the event of the Contractor's failure to collect, remove and properly dispose of the yard waste in accordance with the time periods set forth herein for more than two consecutive months, except for the violation of those terms and provisions of the Contract which expressly state that the failure constitutes a material breach and grounds for its immediate termination, if the Contractor is otherwise in Default of this Contract, the City may notify the Contractor that it is in Default. The City shall notify the Contractor in general terms the nature of the Default and that the Contractor's rights under the Contract will be terminated in 60 days unless the Contractor cures its Default within 30 days of the notice. If the Contractor fails to cure its Default, the Contractor's rights under the Contract shall cease."

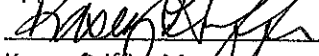
WHEREAS, the City has become dissatisfied with Contractor's ability to perform its duties under the Agreement, specifically Contractor's failure to provide once per month yard waste pick-up to all single family and multi-family units within the City, and desires to terminate the Agreement.


NOW, THEREFORE, be it ordained by the City Council of the City of Heber Springs, Arkansas, that the Mayor is hereby authorized and directed to give notice of termination to Greers Ferry Total Property Maintenance, LLC in accordance with the terms of the Agreement, a copy of which is attached hereto as Exhibit "A".

EMERGENCY CLAUSE. The need to provide consistent yard waste and tree trimming collection and disposal services for the City of Heber Springs in order to protect the public peace, health, safety, and welfare is deemed by the City to be an emergency and this ordinance shall be in full force and affect from and after its passage.

Passed this 21st day of February, 2023.

Approved:


Kasey Griffin, Mayor


Vickie McPherson, City Clerk