

CITY OF SHERWOOD

ORDINANCE NO. 87-864

AN ORDINANCE AMENDING CITY ORDINANCE NO. 816, THE "SOLID WASTE MANAGEMENT ORDINANCE", WITH RESPECT TO THE FREQUENCY OF COLLECTION RATES AMENDMENT REQUESTS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City adopted Ordinance No. 816, the "Solid Waste Management Ordinance" on February 13, 1985, and said ordinance regulated, among other things, the frequency of requests for adjustments to solid waste collection rates; and

WHEREAS, Ordinance No. 816, Sections 8-4 and 8-5, states that rate adjustments may be granted no more than once every twelve months, the most recent adjustment being enacted by Ordinance No. 87-863, effective June 1, 1987.

WHEREAS, the City Council finds that landfill disposal rates charged by the Metropolitan Service District to the City's franchise solid waste hauler, are totally outside the control of the franchisee, and represent a substantial cost that may or may not be assessed coincident with an annual rate review.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Amendments. Sections 8-4 and 8-5 of Ordinance No. 816 are hereby amended to read:

- (4) Rates to be charged by the Franchisee under this Ordinance shall be set by the City Council by ordinance at such times as deemed necessary by the Council provided, however, that rates may not be amended more than once every twelve (12) months, except for instances where landfill disposal rates have been increased by the Metropolitan Service District. The Council may consider rate amendments to account for increased operating costs directly attributable to landfill disposal costs at any time, or in any frequency. The Franchisee shall provide the City with thirty (30) days written notice of any request to amend rates. In amending the rate schedule, the Council shall give due consideration to the purposes of this Ordinance and the direct and indirect costs to the Franchisee of doing business, as may be justified and quantified by the Franchisee. The Franchisee shall be provided thirty (30) days prior written notice with accompanying justification for a City initiated amendment to the service rate schedule.

(5) Any request for a rate adjustment shall conform to the following process:

- (a) Notwithstanding any request for an amendment to the rate schedule, the Franchisee shall annually supply a report of current income and expense for the current calendar year, together with projected income and expense for the balance of the year and shall also enumerate existing and/or proposed rates and justify proposed rate adjustments, if any.
- (b) The City Manager shall report and make recommendations to the City Council within sixty (60) days of submission of an acceptable and complete Franchisee report and rate adjustments proposal.
- (c) The Council shall set a hearing on any proposed rate adjustment by ordinance amending this Ordinance.

Section 2. Effective Date. This Ordinance shall become effective thirty (30) days after approval and adoption.

Duly passed by the City Council on this 13th day of May, 1987.

Polly Blankenbaker
Polly Blankenbaker, Recorder

Approved by the Mayor this 20 day of May, 1987.

Norma Jean Oyler
Norma Jean Oyler, Mayor
City of Sherwood

	<u>AYE</u>	<u>NAY</u>
Oyler	<u>✓</u>	<u> </u>
Manderfeld	<u>✓</u>	<u> </u>
Birchill	<u>✓</u>	<u> </u>
Stewart	<u>✓</u>	<u> </u>
Nightingale	<u>absent</u>	<u> </u>