RESOLUTION NO. 2017-12

A RESOLUTION OF THE CITY OF LA PINE AUTHORIZING WILDERNESS GARBAGE & RECYCLING SERVICE TO INCREASE ITS SOLID WASTE COLLECTION SERVICE RATES.

WHEREAS, La Pine Disposal & Recycling, Inc. ("Franchisee"), an Oregon corporation d/b/a Wilderness Garbage & Recycling Service, provides solid waste management services in City of La Pine ("City") pursuant to City Ordinance No. 2007-3 (the "Franchise Agreement"); and

WHEREAS, City and Franchisee have commenced negotiations concerning a new franchise agreement which will replace and supersede the Franchise Agreement; and

WHEREAS, during the negotiations, Franchisee will continue to provide solid waste management services subject to and in accordance with the terms and conditions of the Franchise Agreement; and

WHEREAS, Section 3A of the Franchise Agreement allows City to approve a rate increase if, among other things, a governmental unit raises the cost of providing service; and

WHEREAS, by letter dated July 25, 2017, a copy of which is attached hereto as Exhibit A, Franchisee has requested that City approve rate increases for solid waste collection services, which increase reflects the pass-through costs of the garbage disposal (tipping) fee increase charged by Deschutes County; and

WHEREAS, City desires to approve Franchisee's requested rate increases in accordance with the Franchise Agreement.

NOW, THEREFORE, BE IT RESOLVED, by and through the La Pine City Council (the "Council") meeting in regular session, the following:

1. Findings. The above-stated findings contained in this Resolution No. 2017-12 (this "Resolution") are hereby adopted.

2. Franchisee Obligations. During the franchise agreement negotiation process between City and Franchisee, Franchisee will continue to provide solid waste management services in City's incorporated limits subject to and in accordance with the terms and conditions of the Franchise Agreement.

3. Rate Increase. Pursuant to Section 3A of the Franchise Agreement, commencing on October 1, 2017, rates for the solid waste collection service provided by Franchisee under the Franchise Agreement will be those service rates set forth on the attached Exhibit B. Effective October 1, 2017, the solid waste collection service rates identified on the attached Exhibit B amend, replace, and supersede in all respects those solid waste collection service rates established by Franchisee and approved by the Council on or about January 13, 2010. Any further adjustments to Franchisee's service rates will require Franchisee to first satisfy those conditions provided under the Franchise Agreement, including, without limitation, obtaining

Council's prior approval. Franchisee will provide its customers written notice of the service rates increase no later than September 1, 2017.

4. Miscellaneous. The provisions of this Resolution are severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution.

APPROVED, ADOPTED, AND MADE EFFECTIVE by the Council on August 23, 2017.

Dennis Scott, Mayor

ATTEST:

Cory Misley, City Manager

Exhibit A
Letter dated July 25, 2017

[attached]

WILDERNESS
GARBAGE
& RECYCLING
SERVICE

Serving LaPine, Gilchrist, Crescent, Crescent Lake Jct. & Chemult

51420 RUSSELL ROAD
P.O. BOX 2669
LAPINE, OREGON 97739
Phone 541.536.1194
Fax 541.536.9507
www.wildernessgarbage.com

July 25, 2017

Cory Misley
City Manager
City Of La Pine

Re: Application for Solid Waste Collection Rate Increase

Wilderness Garbage & Recycling is requesting a rate increase due to the following reason:

The requested adjustment to the collection rates reflects the raise in tipping fees at Deschutes County disposal sites. This is a "pass through"; and contains no increase to the service portion of the collection rate. The $5.00 per ton increase from the county relates to a 10% increase to our customers, whose rates are reflected in Exhibit A.

Thank you,

Stu Martinez
Wilderness Garbage & Recycling

Exhibit B
Franchisee's Service Rates

[attached]

Rates for the Collection of Solid Waste within the Unincorporated Distant Rural Collection Area Served by Wilderness Garbage and Recycling Services

Can and Roll Cart Services – Effective Date 10/1/2017

One pickup of one can each week

35 GALLON ROLL CART/CAN		
CURB OR ROADSIDE	$ 18.18	
BACKYARD OR OTHER	$ 20.58	
65 GALLON ROLL CART / CAN		
CURB OR ROADSIDE	$ 30.06	
BACKYARD OR OTHER	$ 34.66	
95 GALLON ROLL CART / CAN		
CURB OR ROADSIDE	$37.94	
BACKYARD OR OTHER	$40.84	

One pickup of additional can each week

35 GALLON ROLL CART / CAN		
CURB OR ROADSIDE	$12.53	
BACKYARD OR OTHER	$14.68	

Special Services

35 GALLON ROLL CART / CAN		
CURB OR ROADSIDE	$11.68	
BACKYARD OR OTHER	$12.58	

Exhibit B - Continued
Rates for the Collection of Solid Waste within the Unincorporated Distant Rural Collection Area Served by Wilderness Garbage and Recycling Services

Container Services – Effective Date 10/1/17

Service Provided	1x Week	2x Week	3x Week	4x Week	5x Week	6x Week
1.5 YD Container	$155.57	$281.97	$408.35	$539.75	$661.11	$787.54
2.0 YD Container	$201.59	$368.02	$534.47	$700.88	$867.31	$1033.74
3.0 YD Container	$277.30	$504.15	$731.02	$957.90	$1184.76	$1411.64

Compactor Rates;
Compactor containers will have a disposal charge at 3.0 times the uncompacted rate. The service fees shall be the same as those charged for uncompacted containers.