

**RESOLUTION NO. 08/09-13  
CITY OF DAYTON, OREGON**

***Title: A Resolution Approving Western Oregon Waste Request for Supplemental Rate Change for Certain Industrial and Commercial Customers***

**WHEREAS**, the City of Dayton has entered into a franchise agreement with City Sanitary & Recycling Services Inc for solid waste disposal services; and

**WHEREAS**, Ordinance #413, adopted on June 1, 1985, outlines the terms and conditions of the franchise agreement; and

**WHEREAS**, Section 7(d) of Ordinance #413 contains a process to address significant unanticipated changes in rates after the annual rate review process has been completed; and

**WHEREAS**, Western Oregon Waste has submitted a request to make a modification of a rate in the approved 2008 Rate Schedule; and

**WHEREAS**, a public hearing on the rate adjustment request was held before the City Council on September 2, 2008;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City Council of Dayton, Oregon:

- 1) **THAT** the following findings of fact are hereby adopted:
  - a. On December 3, 2007, the City Council adopted Resolution #07/08-14, A Resolution Approving Proposed 2008 Rate Schedule for Western Oregon Waste. The rate review and approval process was conducted in accordance with Section 7, Rates, paragraph "c".
  - b. Section 7, paragraph "d" of the Franchise Agreement contains a process to modify rates when significant unanticipated changes in rates occur after the annual rate review process has been completed. Western Oregon Waste has requested a modification under this section of the Agreement.
  - c. The requested rate adjustment by Western Oregon Waste is to change the rates for invoiced drop box customers who pay for disposal per ton. This rate will go from \$32.57 to \$34.72 per ton.
  - d. Requiring the franchisee to absorb this cost until the next annual rate adjustment would negatively impact a reasonable rate of return for this service.
  - e. Riverbend Landfill adjusts their rates in July of each year. While the fact that a rate increase could occur might have been known, the amount of the increase could not reasonably have been anticipated by the franchisee since that decision is under the control of another agency, Riverbend Landfill. The increase in tipping fees will apply to all users of the landfill.

- 2) **THAT** the Memo of Understanding re Change in Disposal Rate, dated July 8, 2008, attached hereto as Exhibit A and by this reference made a part hereof, is hereby approved and shall become effective immediately upon adoption; and
- 3) **THAT** the City Manager is hereby authorized to sign the Memo of Understanding on behalf of the City.

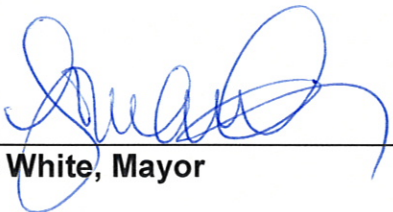
**ADOPTED** this **2nd** day of **September, 2008**.

In Favor Sam Dickson, Hank Evers, Joe Hensley, Travis Webb, Jolie White

Opposed None

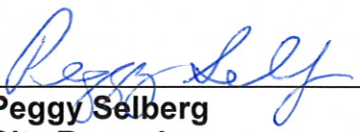
Absent Blackburn

Abstained None

  
\_\_\_\_\_  
Jolie White, Mayor

9/5/08  
\_\_\_\_\_  
Date of Signing

**ATTESTED BY:**

  
\_\_\_\_\_  
Peggy Selberg  
City Recorder

9/2/08  
\_\_\_\_\_  
Date of Enactment

Attachment - Exhibit A

WKS4\RESOLUTIONS\08-09\0809.13.ADOPTED

# MEMO OF UNDERSTANDING

TO: Ms. Sue Hollis  
City Manager  
City of Dayton

FR: Joe Cook  
Western Oregon Waste

Re: Change in Disposal Rate

July 8, 2008

We recently received notice that Riverbend Landfill has raised their tip fees effective July 1<sup>st</sup>, 2008. Our rates for invoiced drop box customers include a component for disposal per ton. We are asking that this particular rate be adjusted to account for this increase - from \$32.57 to \$34.72 per ton. At this time, this will only affect industrial and commercial drop box customers who pay a haul fee plus disposal. We will evaluate the impact of the rate change on our other services during our next rate review. This type of mid-year adjustment is addressed in Section 7(d) of our franchise agreement, which allows for a supplemental rate adjustment in the event of a change in a particular cost.

As this change only affects the drop box disposal rate, and in the interests of conserving City Council and staff time, we are requesting that the current rate schedule be modified to reflect this change on an interim basis effective August 1<sup>st</sup>, 2008. This rate will then be included as part of the regular rate review process, to be fully reviewed and approved by the Council later this year.

If this proposal meets your approval, please sign and return this document to serve as written acknowledgement of this agreement. If you determine that an official public hearing and council action is necessary, please do not sign below, and let me know the time and date of any meeting held to discuss the matter.

Thank you for your time and attention to this matter.

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We the undersigned, as duly empowered representatives of our respective employers, agree to amend the franchised disposal rates as outlined above.

X   
\_\_\_\_\_  
Joseph C. Cook, CPA  
Chief Financial Officer  
Western Oregon Waste

X \_\_\_\_\_  
Ms. Sue Hollis  
City Manager  
City of Dayton

Date 7-15-08

Date \_\_\_\_\_