

ORDINANCE NO. 5042

An Ordinance amending Ordinances 4904 and 5033, relating to the Solid Waste Collection Franchise.

RECITALS:

On January 27, 2009, the City adopted Ordinance 4904, granting an exclusive franchise to Western Oregon Waste (WOW) for the collection of all Solid Waste generated within the city limits of the City of McMinnville (Franchise Agreement). On October 12, 2010, the City Council approved the transfer of the rights granted under the Franchise Agreement from WOW to Recology, Inc. (Recology).

On August 8, 2017, the City Council adopted Ordinance 5033, which amended Article IV of the Franchise Agreement to increase the Franchise Administration Fee that Recology pays to the City from 3% to 5% to be phased in through July 1, 2018.

Following discussions with Recology regarding the potential impact of an increase to the Franchise Fee, City staff has recommended that the fee increase to 5%, be effective January 1, 2018.

Now, therefore, THE COMMON COUNCIL FOR THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

1. Ordinance 4904 and 5033 are amended as provided in the attached Exhibit 1.
2. This Ordinance shall take 30 days after approval.

Passed by the Council on November 28, 2017, by the following votes:

Ayes: Drabkin, Garvin, Jeffries, Menke, Stassens, Ruden

Nays: \_\_\_\_\_

Approved on November 28, 2017.

  
\_\_\_\_\_  
MAYOR

Approved as to form:

Attest:

  
\_\_\_\_\_  
CITY ATTORNEY

  
\_\_\_\_\_  
CITY RECORDER

## **EXHIBIT 1**

Article IV of the Franchise Agreement adopted by the City through Ordinance 4904 and amended by Ordinance 5033, is further amended as follows:

### **ARTICLE IV – Franchise Administration Fee**

As consideration for the granting of this Franchise and to reimburse the City for the administration thereof, effective October 1, 2017, Franchisee shall collect and pay to the City quarterly a fee equal to four percent (4%) of Cash Receipts, and effective **January** July 1, 2018, Franchisee shall collect and pay to the City quarterly a fee equal to five percent (5%) of Cash Receipts. The Franchise Fee may be amended from time to time at the sole option of the City Council.