

COUNCIL COMMUNICATION

Meeting Date: June 11, 2019	Agenda Item:	Agenda Location: Action Items	Goal(s):	Legal Review:	<input type="checkbox"/> 1 st Reading <input checked="" type="checkbox"/> 2 nd Reading
Subject: An ordinance amending Section 9.7 of Ordinance 3502 revising and prescribing special and additional solid waste or recyclable material collection requests for the operation and maintenance of the sewer and solid waste systems for the City.					
Recommended by: Brett Henry				Approved by: Kevin S. Woods	
Presenter(s): Brett Henry, Executive Director for Infrastructure				Ordinance previously introduced by: <u> Nizam </u>	

SYNOPSIS:

On May 14, 2019 City Council approved this ordinance on first reading, but requested a provision be added to offer a reduced cost for income eligible customers which is included in No. 3 below.

The proposed ordinance allows all Thornton residents that meet Set Out Requirements the opportunity to use the fee-based curbside Click & Haul service (Service). The service allows users to schedule a pickup of large amounts of debris. Currently, the Service is exclusive to Thornton trash/recycle account holders only.

Proposed solid waste rate ordinance revisions include:

1. Tiered-Rate fees to recover costs related to supporting the Service.
2. Removal of the costs table since costs are reviewed and adjusted, on an annual basis, using up-to-date data and cost analyses. Additional one-time costs are also evaluated.
3. Income eligible customers may receive a one-time \$20 credit for Click & Haul service annually.

RECOMMENDATION:

Staff recommends Alternative No. 1, approve the ordinance as proposed, which will allow Thornton residents that meet Set Out Requirements to use the fee-based Service. This strategy furthers Council's goal to operate each enterprise as a self-sustaining business without subsidy from the general government fund.

BUDGET/STAFF IMPLICATIONS:

None at this time. Fees are established to recover the cost of service. Staff will track Service demands and submit future fee adjustments through the annual budget process.

ALTERNATIVES:

1. Adopt the ordinance as proposed.
2. Do not adopt the ordinance.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

Set Out Requirements: The service truck must be able to safely make the collection on a City street near the residence to eliminate risk of damage to private or community property. If collection is to occur on a private street, a waiver must be obtained from the property owner.

2019 Tiered-Rate Fee examples (All examples based on a load size of up to two normal-sized pickup loads.)

1. Utility (trash/recycle and water/sewer) Customers = \$65. This fee covers labor; equipment; disposal; and existing billing, administrative, and operational oversight.
2. Non-Utility Customers (do not have a City trash/recycle, water/sewer account) = \$70. This fee covers all costs listed in Example 1 plus additional administrative costs related to processing new non-utility customers.

On November 27, 2018, City Council adopted Ordinance 3502, prescribing the solid waste charges for the City in 2019.

City Council approved continuance of the current Service on February 2, 2016.

City Council approved the Service with a direct fee covering the pickup cost on May 26, 2015.

INTRODUCED BY: Nizam

AN ORDINANCE AMENDING SECTION 9.7 OF ORDINANCE 3502 REVISING AND PRESCRIBING SPECIAL AND ADDITIONAL SOLID WASTE OR RECYCLABLE MATERIAL COLLECTION REQUESTS FOR THE OPERATION AND MAINTENANCE OF THE SEWER AND SOLID WASTE SYSTEMS FOR THE CITY.

WHEREAS, the City owns and operates municipal wastewater and solid waste systems; and

WHEREAS, Chapter 74 of the Thornton City Code requires rates and charges to be established by ordinance; and

WHEREAS, on November 27, 2018, the City adopted Ordinance 3502, which revised and prescribed sewer rates and charges and solid waste charges; and

WHEREAS, the City desires to make the Click & Haul service available to all Thornton residents that meet Set Out Requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. Section 9.7 of Ordinance No. 3502 is hereby amended by the addition of the words double-underlined and the deletion of the words stricken to read as follows:

9.7 Special and additional solid waste or recyclable material collection requests shall be assessed to the customer in accordance with the current costs associated with: acquisition, operation, and maintenance of equipment, labor, and landfill and/or recycle expenditures incurred by the City in providing this service. Customers may be eligible to receive one \$20.00 credit on such assessed charges per year under the following circumstances: the customer's household income does not exceed 185% of the federal poverty level as determined annually by the Department of Housing and Urban Development. The customer will need to reapply each year to receive the credit. The fee associated with the special collection service program shall be as follows:

<u>Load Size</u>	<u>Fee</u>
1/4	\$ 65.00
1/2	109.00
3/4	163.00
Full	235.00

2. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.
3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.
4. The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.
5. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on May 14, 2019.

PASSED AND ADOPTED on second and final reading on _____, 2019

CITY OF THORNTON, COLORADO

Jan Kulmann, Mayor Pro Tem

ATTEST:

Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

Luis A. Corchado, City Attorney

PUBLICATION:

Posted at City Hall, Margaret W. Carpenter Recreation Center, and Thornton Active Adult Center after first and second readings.

Published on the City's official website after first reading on May 15, 2019, and after second and final reading on _____, 2019.