

**Subject: Ordinance #1528 – Update
 Of City Solid Waste Rates**

Dept. Origin: Utilities Dept/Mayor’s Office

Prepared by: Jennifer Robertson
 City Attorney’s Office

For Agenda of: December 3, 2019

Exhibits: Ordinance #1528

Initial & Date

Proposed Council Action:

Concurred by Mayor: _____

Approved/form by City Atty: JSR/11-26-19

Approved by _____ Director: _____

Second Reading and Action. Adopt Ordinance.

Approved by Department Head: _____

INFORMATION / BACKGROUND

The City Council has the authority to establish rates for solid waste collection services.¹ As has been explained by the Mayor at recent Council meetings, the City is running deficits for the costs of providing solid waste services and for recycle services due to the changes in market conditions. In addition, the City of Tacoma has “back-billed” Ruston over \$45,000 for yard waste disposal that was never previously charged. The City is required to pay this bill which is funded from the solid waste funds. Therefore, a rate increase to cover the cost of providing these services is necessary. If approved, these rates will take effect on January 22, 2020.

RMC 6.01.260 establishes the rates for solid waste services. Ordinance #1528 proposes the following rate and service changes:

- Residential - per month - each can

Solid Waste:

20 Gallon - \$21 current - \$26 proposed

35 Gallon - \$30 current - \$35 proposed

65 Gallon - \$55 current - \$60 proposed

90 Gallon - \$80 current - \$85 proposed

Recycle:

65 Gallon - \$0 current - \$10 proposed

- Commercial – per month – each can

Solid Waste:

35 Gallon - \$30 current - \$43 proposed

¹ RCW 35.21.130; RCW 35.21.152.

65 Gallon - \$55 current - \$68 proposed
95 Gallon - \$80 current - \$93 proposed

Recycle:

65 Gallon - \$0 current - \$15 proposed

In addition to amending RMC 6.01.260 to change the rates, the City needs to repeal RMC 6.01.360 which provides an incentive for recycling. With the City now charging a modest fee for recycling, these incentives need to be repealed.

Notice Required. State law requires that any changes in solid waste rates be mailed to each affected customer or published once per week for two consecutive weeks in a newspaper of general circulation in the collection area and that such notice shall be available to the ratepayers at least forty-five (45) days prior to the effective date of the rate change.² The City has or will publish notice of the proposed rate changes in its official newspaper, The Tacoma Daily Index, on December 2, 2019 and on December 9, 2019, notifying the public of these proposed rate changes. Both these publication dates will be more than forty-five (45) days prior to the rate change effective date of January 22, 2020 as required by law. In addition, the City will also publish notice of the proposed rate changes on the home page of the City's official website which will remain posted until after the new rates take effect.

FISCAL CONSIDERATION

This Ordinance will ensure that the City's actual costs of providing solid waste services will be covered by its rates.

BOARD OR COMMITTEE RECOMMENDATION

None.

RECOMMENDATION / MOTION

Adopt Ordinance No. 1528.

MOTION: I move to adopt Ordinance No. 1528 relating to solid waste rates, increasing rates for all types of containers for both residential and commercial customers, creating a new rate category for recycling and establishing rates for the same, amending Section 6.01.260 of the Ruston Municipal Code and repealing Section 6.01.360 of the Ruston Municipal Code, providing public notice of the rate change, making the rates effective January 22, 2020, and establishing an effective date.

² RCW 35.21.157.

ORDINANCE NO. 1528

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, RELATING TO SOLID WASTE RATES, INCREASING RATES FOR ALL TYPES OF CONTAINERS FOR BOTH RESIDENTIAL AND COMMERCIAL CUSTOMERS, CREATING A NEW RATE CATEGORY FOR RECYCLING AND ESTABLISHING RATES FOR THE SAME, AMENDING SECTION 6.01.260 OF THE RUSTON MUNICIPAL CODE AND REPEALING SECTION 6.01.360 OF THE RUSTON MUNICIPAL CODE, PROVIDING PUBLIC NOTICE OF THE RATE CHANGE, MAKING THE RATES EFFECTIVE JANUARY 22, 2020, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with RCW 35.21.130 and RCW 35.21.152, the City Council has the authority to establish rates for solid waste collection services; and

WHEREAS, the City is running deficits for the costs of providing solid waste services and therefore a rate increase to cover the cost of providing these services is necessary; and

WHEREAS, the City of Tacoma recently back-billed the City of Ruston in excess of \$45,000 for yard waste disposal charges that were never charged due to on-going underbilling that Tacoma engaged in with no notice to Ruston of this issue; and

WHEREAS, RMC 6.01.260 establishes the rates for solid waste services and needs to be updated to cover the City's costs of providing solid waste services; and

WHEREAS, the recycling market has changed significantly in the past few years with recycling having little to no value and resulting in the City needing to pay for the recycling; and

WHEREAS, in order to cover the costs of recycling, the City needs to add a recycling rate category to RMC 6.01.260; and

WHEREAS, RMC 6.01.360 provided a discount for recycling which is no longer valid given the recycling markets, therefore necessitating the repeal of RMC 6.01.260; and

WHEREAS, the City Council finds it to be in the best interest of the public to ensure that the City's solid waste rates cover the actual costs of services; and

WHEREAS, the City hasn't raised its solid waste rates since May of 2014; and

WHEREAS, RCW 35.21.157 requires that any changes in solid waste rates be mailed to each affected customer or published once per week for two consecutive weeks in a newspaper of general circulation in the collection area and that such notice shall be available to the ratepayers at least forty-five (45) days prior to the effective date of the rate change; and

WHEREAS, the first notice of the rate increase was published in The Tacoma Daily Index on December 2nd with the second notice scheduled to be published on December 9th; and

WHEREAS, the City has also placed notice of this rate increase on its website which will remain up until after January 22, 2020; and

WHEREAS, on November 26, 2019, the City Council held the first reading on this Ordinance; and

WHEREAS, on December 3, 2019, the City Council adopted this Ordinance during its regular meeting at second reading; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:

Section 1. Update of Garbage Rates. Section 6.01.260 of the Ruston Municipal Code is hereby amended to read as follows:

6.01.260 Monthly charges.

- (a) Beginning ~~July~~January ~~1st~~1st, ~~2014~~2020, and continuing until hereafter amended by the City Council, the monthly solid waste collection rate and monthly recycle collection rate to be charged, billed and paid by each customer shall be the sum of the appropriate customer or service rate set forth in the table below, together with such solid waste taxes as may be levied by the State of Washington. The residential rates shown in the table below shall

include one 65-gallon container each for recycling service and yard waste pickup service per week and shall apply equally to both recycling and non-recycling customers.

Description of Service	Monthly Charge
<u>Solid Waste Service</u>	
Residential	
1 20-gallon container, 1 pickup per week	21.00 <u>26.00</u>
1 35-gallon container, 1 pickup per week	30.00 <u>35.00</u>
1 65-gallon container, 1 pickup per week	55.00 <u>60.00</u>
1 95-gallon container, 1 pickup per week	80.00 <u>85.00</u>
Commercial	
1 35-gallon container, 1 pickup per week	30.00 <u>43.00</u>
1 65-gallon container, 1 pickup per week	55.00 <u>68.00</u>
1 95-gallon container, 1 pickup per week	80.00 <u>93.00</u>
<u>Recycle Service</u>	
<u>Residential</u>	
<u>1 65-gallon container, 1 pickup per week</u>	<u>10.00</u>
<u>Commercial</u>	
<u>1 65-gallon container, 1 pickup per week</u>	<u>15.00</u>

(b) Additional containers for yard waste (65-gallon) are \$10.00 per month for residential customers.

(c) Yard waste shall not be provided to commercial customers. "Commercial customers" are customers located in commercial zones as shown on the Ruston Zoning Map. Recycling shall be available upon request to commercial customers. One recycle container may be provided for each garbage container provided for the customer's garbage service under the rates contained in this section.

(d) Containers of any type which have lids that will not close due to volume of material inside the container will result in a \$10.00 overage charge for each pickup of such container.

(e) If a customer returns a container and later requests the container size previously returned within 12 months of the return, such customer shall be assessed a \$50.00 delivery charge per container.

(f) Containers are the customer's responsibility. Damaged and/or replacement containers will result in a \$50.00 per container replacement fee.

(g) If waste is spilled outside of the container and is cleaned up by solid waste staff, a cleanup fee in the amount of \$10.00 will be added to the customer's bill.

Section 2. Section 6.01.360 of the Ruston Municipal Code is hereby repealed

Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Direction to Clerk. The City Clerk is directed to provide timely notice of the solid waste rate increase in a timely manner in accordance with State law such that the effective date of the rates in this ordinance scheduled for January 22, 2020, will take effect no sooner than 45 days following completion of the required public notice.

Section 6. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 3rd day of December, 2019.

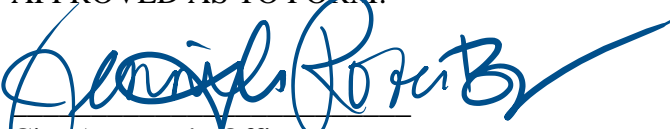
APPROVED by the Mayor this 3rd day of December, 2019.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams
City Clerk

APPROVED AS TO FORM:


City Attorney's Office

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO: 1528