

ORDINANCE NO. 417

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING THE FRANCHISE AGREEMENT WITH HAROLD LEMAY ENTERPRISES, INC. (DBA LAKEWOOD REFUSE) TO PROVIDE SOLID WASTE COLLECTION SERVICES, INCREASING THE CITY AGREEMENT ADMINISTRATION FEE TO FIVE PERCENT**

WHEREAS, the City Council desires to provide University Place citizens with the best possible solid waste collection services at market rates; and

WHEREAS, Harold LeMay Enterprises, Inc. (dba Lakewood Refuse) is fully capable of providing such services to University Place citizens; and

WHEREAS, on November 17, 2003, the University Place City Council passed Ordinance No. 401 and thereby entered into an agreement with Lakewood Refuse, Inc., granting a franchise for the collection of solid waste in certain portions of the City;

WHEREAS, on December 15, 2003, the University Place City Council passed Ordinance No. 404, amending Ordinance No. 401 by amending the name for Lakewood Refuse, Inc. to Harold LeMay Enterprises, Inc.;

WHEREAS, the City wishes to recover its costs of granting and administering this franchise; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. Amending Section 18.1 of the Franchise Agreement with Harold LeMay Enterprises, Inc., Increasing the City Agreement Administration Fee from Four Percent to Five Percent.** Section 18.1 of the franchise agreement with Harold LeMay Enterprises, Inc. is hereby amended as follows:

**Section 18. CITY AGREEMENT ADMINISTRATION FEE**

18.1 To compensate the City for the exclusive rights granted in this Agreement and to assist in deferring the cost incurred by the City in the administration of this Agreement, the Company shall pay to the City no later than 15 days after the end of each calendar quarter (quarters ending at the end of March, June, September and December) a City Agreement Administration Fee equal to ~~four~~ five percent (4%)(5%) of the gross revenues actually received by the Company from customers derived from the Base Rates. The City Agreement Administration Fee shall be calculated in accordance with Exhibit B and shall be applied to Base Rates in accordance with this Agreement.

**Section 2. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances by a court of competent jurisdiction shall not be affected.

**Section 3. Directions to City Clerk.** The City Clerk is hereby authorized and directed to forward certified copies of this ordinance to the franchisee and permit holder as set forth in this ordinance.

**Section 4. Publication and Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be effective July 1, 2004.

PASSED BY THE CITY COUNCIL ON MAY 3, 2004.

*Ken Grassi*

Ken Grassi, Mayor

ATTEST:

*Catrina Craig*

Catrina Craig, City Clerk

APPROVED AS TO FORM:

*Timothy X. Sullivan*

Timothy X. Sullivan, City Attorney

Date of Publication: 5/5/04

Effective Date: 5/10/04