

ORDINANCE NO. 416

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING THE FRANCHISE AGREEMENT WITH UNIVERSITY PLACE REFUSE SERVICES, INC. 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, University Place Refuse Services, Inc. is fully capable of providing such services to University Place citizens; and

WHEREAS, on June 23, 2003, the University Place City Council passed Ordinance No. 389 and thereby entered into an agreement with University Place Refuse Services, Inc., granting a franchise for the collection of solid waste;

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 University Place Refuse Services, Inc., Increasing the City Agreement Administration Fee from Four Percent to Five Percent. Section 18.1 of the franchise agreement with University Place Refuse Services, 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



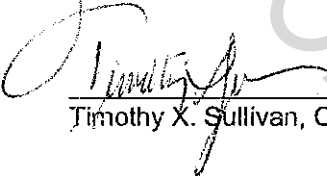
Ken Grassi, Mayor

ATTEST:



Catrina Craig, City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Published: 5/5/04
Effective Date: 5/10/04

UNOFFICIAL DOCUMENT