Ordinance No. 3542

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

AMENDS Ord. 2970
ORDINANCE NO. 3542

AN ORDINANCE of the City Council of the City of Kent, Washington, relating to the public health, safety, and general welfare and City solid waste utility and pursuant to RCW 35.27.330, authorizing solid waste, recyclable materials, and yard waste franchise contracts between the City of Kent and Waste Management of Washington, Inc., a Delaware corporation and between the City of Kent and Kent-Meridian Disposal Company, a Washington general partnership.

WHEREAS, by Ordinance No. 2870, the City of Kent reestablished a system of solid waste collection and disposal (the "solid waste utility") consistent with Ch. 35.21 and 35.67 RCW; and

WHEREAS, Ordinance No. 2870 mandated that garbage be collected and handled within the City by City authorized persons operating under a contract with or under the direction of the City; and

WHEREAS, pursuant to Ordinance No. 2970, the City, Tri-Star Disposal (now known as Waste Management of Washington, Inc.) and Kent-Meridian Disposal entered into ten (10) year franchise contracts for solid waste collection services within the City, which contracts expire on March 31, 2001; and
WHEREAS, the City, Waste Management of Washington, Inc., and Kent-Meridian Disposal have been negotiating new solid waste, recyclable materials, and yard waste franchise contracts for the purpose of collection, disposal, and processing of solid waste, recyclable materials, and yard waste; and

WHEREAS, the City Council finds that it would not be practical or in the City’s best interest to solicit bids for this service due to the limited number of haulers available to perform this service, the history of the solid waste utility with the City, and the potential claims to territory by the existing haulers; and

WHEREAS, the City wishes to enter into contracts with Waste Management of Washington, Inc. and Kent-Meridian Disposal for said services; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals set forth above are hereby incorporated by reference and adopted as if set forth in full herein.

SECTION 2. Solid Waste, Recyclable Materials, and Yard Waste Contracts Authorized. The Mayor, for and on behalf of the City, is hereby authorized to finalize and execute franchise contracts with Waste Management of Washington, Inc. and Kent-Meridian Disposal for the collection, disposal, and processing of solid waste, recyclable materials, and yard waste, in substantially the same form as introduced and made part of the council record and on file in the City Clerk’s office, more specifically identified as follows and incorporated herein by this reference:

1. Solid Waste Collection and Disposal, Recycling and Processing Contract between the City of Kent and Waste Management of Washington, Inc., April 1, 2001 – March 31, 2011; and

2. Solid Waste Collection - Franchise
2. Solid Waste Collection and Disposal, Recycling and Processing Contract between the City of Kent and Kent-Meridian Disposal, April 1, 2001 – March 31, 2011,

**SECTION 3.** – Amendment to Contracts. The franchise contracts as authorized by this ordinance, may be amended in the future by the City Council and Mayor, as applicable, without amendment to this franchise ordinance or adoption of a new ordinance to authorize the same.

**SECTION 4.** – Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

**SECTION 5.** – Severability. If any one or more section, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

**SECTION 6.** – Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after passage as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER LUBOVICH, CITY ATTORNEY

I hereby certify that this is a true copy of Ordinance No. 3542 passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER (SEAL)
BRENDA JACOBER, CITY CLERK