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**TOWN OF BARTONVILLE, TEXAS  
ORDINANCE XXX-24**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, AMENDING ATTACHMENT "A" OF SECTION 10, ENTITLED "RATE ADJUSTMENT" OF THE EXCLUSIVE FRANCHISE AGREEMENT FOR THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF MUNICIPAL SOLID WASTE, CONSTRUCTION AND DEMOLITION WASTE, AND RECYCLABLE MATERIALS IN THE TOWN OF BARTONVILLE, TEXAS, ADOPTED BY ORDINANCE 555-13, AUTHORIZING A 5.3% CPI INCREASE IN SOLID WASTE DISPOSAL RATES AND A 1.81% INCREASE IN LANDFILL COST RATES FOR RESIDENTIAL AND COMMERCIAL SERVICES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Bartonville, Texas is a type "A" General Law Municipality located in Denton County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the collection of municipal solid waste is a governmental function performed for protection of the public health, safety, and general welfare; and

**WHEREAS**, the Town Council of the Town of Bartonville, Texas ("Town Council"), adopted Ordinance No. 555-13 providing for an exclusive franchise for residential and commercial solid waste collection and recycling services to Progressive Waste Solutions in the Town of Bartonville; and

**WHEREAS**, the successor-in-interest to Progressive Waste Solutions is Waste Connections; and

**WHEREAS**, Pursuant to Section 10 of the Franchise Agreement, entitled "Rate Adjustment," Waste Solutions is entitled to request an increase in the rates charged to the Town for solid waste collection services on each anniversary date of the Agreement; and

**WHEREAS**, the Town Council adopted Ordinance No. 574-14 on December 16, 2014, providing for a small rate adjustment; and

**WHEREAS**, the Town Council adopted Ordinance No. 616-17 on January 17, 2017, providing for a 3% rate adjustment; and

**WHEREAS**, the Town Council adopted Ordinance No. 627-18 on January 16, 2018, providing for a 4.2% rate adjustment; and

**WHEREAS**, the Town Council adopted Ordinance No. 653-19 on February 19, 2019, providing for a 2.3% rate adjustment; and

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**WHEREAS**, the Town Council adopted Ordinance No. 679-20 on January 21, 2020, providing for a 2.3% rate adjustment in solid waste and a 2.5% rate adjustment in the disposal and recycling; and

**WHEREAS**, the Town Council adopted Ordinance No. 703-21 on May 18, 2021, providing for a 3% rate adjustment; and

**WHEREAS**, the Town Council adopted Ordinance No. 726-22 on May 17, 2022, providing for a 9% rate adjustment; and

**WHEREAS**, the Town Council adopted Ordinance No. 746-23 on April 18, 2023, providing for a 8.8% CPI increase in solid waste disposal rates and 3.88% increase in the disposal rates for residential and commercial services; and

**WHEREAS**, Waste Connections has presented a proposed 5.3% CPI increase in solid waste disposal rates and a 1.81% for landfill cost increase for residential and commercial services as set forth in Exhibit "A" attached to this Ordinance; and

**WHEREAS**, the Town Council has reviewed the proposed rate adjustment and has agreed that the adjustment is fair and reasonable and, by this Ordinance, wishes to provide for an amendment to the Agreement in order to permit the imposition of such adjustment.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BARTONVILLE, TEXAS, THAT:**

**SECTION 1.**

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**SECTION 2.**

Section 10 of the Agreement entitled "Rate Adjustment" is hereby amended and, effective with services to be provided beginning on June 1, 2024, the rates for residential and commercial services provided by Waste Connections shall be in accordance with the rates and fees set forth more particularly on Exhibit "A" attached hereto.

**SECTION 3.**

This Ordinance shall in no manner amend, change, supplement or revise any other terms or conditions of the Agreement as approved by Ordinance No. 555-13.

**SECTION 4.**

This Ordinance shall be cumulative of all provisions of Ordinances of the Town of Bartonville, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the conflicting provisions of such Ordinances are hereby repealed.

**SECTION 5.**

It is hereby declared to be the intention of the Town Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Town Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 6.**

All rights and remedies of the Town of Bartonville are expressly saved as to any and all violations of the provisions of any Ordinances affecting solid waste collection and recycling, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.**

The Town Secretary of the Town of Bartonville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the Town Council of the Town of Bartonville and by filing this Ordinance in the Ordinance records of the Town.

**SECTION 8.**

The Town Secretary of the Town of Bartonville is hereby directed to publish in the Official Newspaper of the Town of Bartonville the Caption and the Effective Date of this Ordinance for two (2) days.

**SECTION 9.**

This Ordinance shall take effect and be in full force from and after its passage and publication.

**AND IT SO ORDAINED.**

**DULY PASSED AND APPROVED** by the Town Council of the Town of Bartonville, Texas, on the 19th day of February 2024.

APPROVED:

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Jaclyn Carrington, Mayor

ATTEST:

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Shannon Montgomery, TRMC, Town Secretary

**EXHIBIT A**

Residential	
Monthly Tonnage	58.89
Prior Rate/Ton -Denton	\$ 35.52
Total Disposal Cost	\$ 2,091.70
Monthly Tonnage	58.89
Current Rate/Ton - Denton	\$ 37.01
Total Disposal Cost	\$ 2,179.44
Variance	\$ 87.74
Monthly Revenue	\$ 12,518.00
LF Cost Adjustment	0.70%
Disposal Pass-Through PI Dollars	\$ 87.74

Tons	356.94
Pre Cost	\$ 12,841.81
Post Cost	\$ 13,474.96
Variance	\$ 633.15
Revenue	\$ 34,992.00
PI	1.81% Letter increase for Disposal Pass Through

Commercial	
Monthly Tonnage	95.63
Prior Rate/Ton -Denton	\$ 35.52
Total Disposal Cost	\$ 3,396.71
Monthly Tonnage	95.63
Current Rate/Ton - Denton	\$ 37.01
Total Disposal Cost	\$ 3,539.19
Variance	\$ 142.49
Monthly Revenue	\$ 14,324.00
LF Cost Adjustment	0.99%
Disposal Pass-through PI Dollars	\$ 142.49

Roll Off	
Monthly Tonnage	182.44
Prior Rate/Ton - Denton	\$ 35.52
Total Disposal Cost	\$ 6,480.09
Monthly Tonnage	182.44
Current Rate/Ton - Denton	\$ 37.01
Total Disposal Cost	\$ 6,751.92
Variance	\$ 271.83
Monthly Revenue	\$ 8,150.00
LF Cost Adjustment	3.34%
Disposal Pass Through PI Dollars	\$ 271.83

Total RO Pass-Thru	
Tons	202.42
Pre Cost	\$ 7,353.40
Post Cost	\$ 7,756.32
Variance	\$ 402.92
Revenue	\$ 8,150.00
RO PI	4.94%

Roll Off	
Monthly Tonnage	19.98
Prior Rate/Ton - Minnis	\$ 43.70
Total Disposal Cost	\$ 873.31
Monthly Tonnage	19.98
Current Rate/Ton - Minnis	\$ 50.26
Total Disposal Cost	\$ 1,004.40
Variance	\$ 131.10
Monthly Revenue	\$ 8,150.00
LF Cost Adjustment	1.61%
Disposal Pass Through PI Dollars	\$ 131.10