

TOWN OF BARTONVILLE, TEXAS
ORDINANCE _____

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 8.8% CPI INCREASE IN SOLID WASTE DISPOSAL RATES AND A 3.88% INCREASE IN THE DISPOSAL 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, regarding a previous small rate adjustment; and

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

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

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

WHEREAS, the Town Council adopted Ordinance No. 679-20 on January 21, 2020,

regarding 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, regarding a 3% rate adjustment; and

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

WHEREAS, Waste Connections has presented a proposed 8.8% CPI increase in solid waste disposal rates and a 3.88% increase in the disposal rates 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, 2023, 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 IS SO ORDAINED.

PASSED AND APPROVED this the 18th day of April 2023.

APPROVED:

Jaclyn Carrington, Mayor

ATTEST:

Tammy Dixon, Town Secretary

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Exhibit A