

CITY OF SANDY OAKS, TEXAS

ORDINANCE NO. 2015- 31

**A ORDINANCE OF THE CITY OF SANDY OAKS, TEXAS APPROVING
A CONTRACT WITH TIGER SANITATION, INC. FOR SOLID WASTE
COLLECTION AND DISPOSAL AND RECYCLING SERVICES WITHIN
THE CITY.**

WHEREAS, Chapters 363 of the Health and Safety Code authorizes a municipality to regulate and provide solid waste services; and

WHEREAS, Chapter 363 of the Health and Safety Code authorizes a municipality to contract with other public entities or a private contractor to furnish solid waste collection, transportation, handling, storage, or disposal services, authorizes a municipality to offer solid waste disposal service to persons within the municipality, require the use of the service by those persons, charge fees for the service, and establish the service as a separate utility, and authorizes a municipality to enter into an agreement for the collection of unpaid solid waste disposal services fees; and

WHEREAS, the City of Sandy Oaks ("City") desires to contract with a single entity for solid waste collection and disposal and recycling services to provide for a uniform waste collection service provided by an exclusive contractor/franchisee; and

WHEREAS, the City believes an exclusive contractor/franchisee would provide substantial benefits to the residents and businesses of the City, including decreased cost of service, enhanced customer service, increased recycling, decreased impact on City streets, increased accountability, and improvements in the quality and appearance of containers, vehicles, and the community generally; and

WHEREAS, the City issued a request for proposals for the City Council's consideration of a single entity to provide such services requesting proposals for solid waste disposal and recycling services for the collection, transportation and disposal of all residential and commercial or industrial solid waste, including refuse, yard waste, bulky waste, and recyclables from the City to a disposal or processing site; and

WHEREAS, the City Council reviewed the proposals submitted, held a community meeting to receive input from the community and finds a single contractor is necessary to protect the health, safety and welfare of the community; and

WHEREAS, the City Council selected Tiger Sanitation, Inc. ("Tiger") as the single contracting entity to provide solid waste collection and disposal and recycling services within the City; and

WHEREAS, the City intends to mitigate the impact of the transition to the exclusive franchise for commercial solid waste by allowing commercial customers currently receiving

collection and disposal services from a commercial solid waste operator to "opt out" of Tiger's services, as the City's exclusive contract or franchisee, for a limited period of time; and

WHEREAS, the City has determined that a commercial customer's ability to opt-out of the exclusive franchise should end upon the earlier of the expiration of its existing contract or agreement with a third-party commercial solid waste operator, or the expiration of the commercial solid waste operator's operating license with the City, whichever is earlier; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANDY OAKS, TEXAS:

Section 1. That the City Council finds as true and correct and adopts the findings and recitals set forth in the preamble to this Ordinance.

Section 2. That the City Council grants an exclusive contract/franchise to Tiger Sanitation, Inc. to use the public streets within the corporate limits of the City for the purpose of collecting and disposing of solid waste and recyclables from residential and commercial properties located within the City's corporate limits beginning January 1, 2016 for a five-year term. A copy of the Solid Waste Agreement between the City of Sandy Oaks, Texas and Tiger Sanitation, Inc. is attached hereto as Exhibit A and incorporated by reference (hereinafter referred to as "Agreement").

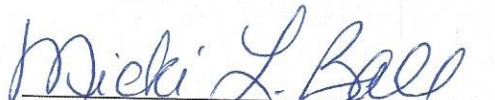
Section 3. That the exclusive contract/franchise granted by this Ordinance is subject to the City's other ordinances, including those relating to the collection and disposal of solid waste, and use of streets and right-of-ways, and the terms and conditions of the Agreement.

Section 4. That the provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity of the remainder of the ordinance..

Section 5. This Resolution shall take effect immediately from and after the passage and approval of this Resolution.

PASSED AND APPROVED on this 12th day of November, 2015.

CITY OF SANDY OAKS, TEXAS


Micki L. Ball, Mayor

ATTEST:


Charlotte Rabe, City Clerk