

**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 15-10**

AN ORDINANCE AMENDING TMC 11.04 – SOLID WASTE MANAGEMENT

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WHEREAS, Resolution No. 01-54-A established the basis for when solid waste rates need to be recalculated as when the aggregate rate of return for waste haulers falls outside eight to twelve percent; and

WHEREAS, most City of Tigard Fees are indexed for annual adjustments; and

WHEREAS, the City of Tigard adopts fees annually in the Master Fees and Charges as part of the budget process; and

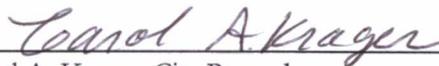
WHEREAS, the list of solid waste haulers in TMC needs to be updated.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: TMC 11.04 – Solid Waste Management is amended per Exhibit A.

SECTION 2: This ordinance shall be effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

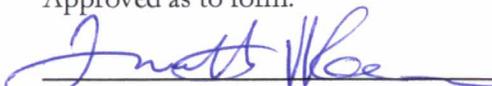
PASSED: By unanimous vote of all council members present after being read by number and title only, this 26<sup>th</sup> day of May, 2015.

  
\_\_\_\_\_  
Carol A. Krager, City Recorder

APPROVED: By Tigard City Council this 26<sup>th</sup> day of May, 2015.

  
\_\_\_\_\_  
John L. Cook, Mayor

Approved as to form:

  
\_\_\_\_\_  
City Attorney

5.26.2015  
\_\_\_\_\_  
Date

Exhibit A – Changes to TMC 11.04 – Solid Waste Management

**11.04.040 Franchise – Granted to Certain Persons – Scope of Regulations.**

- B. The franchisees are:
1. Area I. Pride Disposal Company,  
~~Michael Leichner, President~~, P.O. Box 820,  
Sherwood, OR 97140;
  2. Area II. ~~U.S.A. Waste of Oregon,~~  
~~Inc., d.b.a. Miller's Sanitary Services~~, 5150 S. W.  
Alger Avenue, Beaverton, OR 97005  
Waste Management  
7227 NE 55<sup>th</sup> Ave  
Portland, Oregon 97218;
  3. Area III. Pride Disposal Company,  
~~Michael Leichner, President~~, P.O. Box 820,  
Sherwood, OR 97140.

**11.04.090 Rates for Service.**

E. 4. Unless there is good cause shown and recorded in the minutes of the council, the council shall act upon any rate adjustment ~~by May 31<sup>st</sup>, and the adjustment shall take effect June 1<sup>st</sup>. Rate adjustments shall be by resolution of the council.~~ during consideration of the Master Fees and Charges as part of the annual budget process.

Adjustment of the rates can fall under the following categories:

a. If the aggregate profit for all waste haulers is less than eight percent or more than twelve percent then the city will undertake a rate study to recommend new rates. The new rates will be effective on July 1 and will be intended to produce an aggregate rate of return of ten percent for the following calendar year. When rates are set in the middle of a calendar year, the expected aggregate rate of return for the haulers during that calendar year shall be reported to the haulers. So long as the actual aggregate rate of return for that calendar year is within two percent more or less than the reported aggregate rate of return, no rate study will be needed based on that calendar year's report.

b. If the aggregate profit for all waste haulers is between eight and twelve percent, the rates will be adjusted annually with a start date of January 1 indexed to the U.S. Department of Labor, Bureau of Labor Statistics CPI-U Over-the-Year Percent Change Annual Average for Portland-Salem. If the aggregate profit is between eight to nine percent, then 1.25 times the index will be applied. If the aggregate profit is from nine to eleven percent, then the index will be applied. If the aggregate profit is between eleven to twelve percent, then 0.75 times the index will be applied.

5. The reports are required from each franchisee regardless of whether or not a rate adjustment is requested.

6. Cost of Service studies will be conducted at a minimum of every six years.