

ORDINANCE 1274

AN ORDINANCE AMENDING SECTION 7 OF ORDINANCE NO. 1142

Whereas, on January 9, 2007, the City Council awarded a Franchise Agreement (“Agreement”) to Holliday Enterprises, LLC (“Holliday”) for the exclusive franchise of providing the collection, transportation, or disposal of resource recovery from solid waste for the City of Prineville (“City”) pursuant to Ordinance 1142.

Whereas, on January 14, 2020, the City Council consented to the transfer of the Agreement from Holliday to Allied Waste Transfer Services of Oregon, LLC, dba Republic Services of Oregon (“Republic”) pursuant to Resolution 1421.

Whereas, Section 7 of the Agreement provides that a franchise fee shall be paid annually by May 1st of each year for the calendar year preceding January 1st through December 31st.

Whereas, Republic has requested that the franchise fee be paid monthly.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE DO ORDAIN AS FOLLOWS:

1. Section 7 of Ordinance 1142 is amended as follows:

Section 7. Franchise Fee. Franchisee shall pay to the City a franchise fee or charge equivalent to three percent of Franchisee’s gross operating revenue as the same is defined herein.

(1) “Gross operating revenue,” as used herein shall be defined as the gross revenue from solid waste collection services within the corporate limits of the City.

(2) The franchise fee due hereunder shall be paid monthly by the 15th of each month for the preceding month.

(3) The City acknowledges that under the terms of this new franchise, the City should pay for services provided to the City by Franchisee. In lieu of this, however, the City and Franchisee may reach a mutually agreed upon level of services to the City and mutually agreed upon level of charges for these services. This mutually agreed upon amount may then be deducted from the monthly franchise fee due to the City by Franchisee.

2. This Ordinance shall take effect as of January 1, 2022, and Republic shall pay the monthly Franchise Fee for January 2022 and February 2022 on or before March 20, 2022.

3. Republic’s 2021 annual Franchise Fee shall be paid prior to May 1, 2022.

Presented for the first time at a regular meeting of the City Council held on February 22, 2022 and for the second presentation on March 8, 2022.



Rodney J. Beebe
Mayor

ATTEST:



Lisa Morgan, City Recorder