

## ORDINANCE NUMBER 19-10-03-37

**AN ORDINANCE OF THE CITY OF CORINTH, TEXAS APPROVING AN "EXCLUSIVE CONTRACT FOR SOLID WASTE AND RECYCLING SERVICES FOR THE CITY OF CORINTH, TEXAS" WITH COMMUNITY WASTE DISPOSAL, LP, IN ACCORDANCE WITH STATE LAW AND CITY CHARTER ("AGREEMENT"); PROVIDING FOR THE INCORPORATION OF PREMISES; APPROVING THE TERMS OF THE AGREEMENT; PROVIDING FOR THE ADOPTION OF COLLECTION RATES AND A FRANCHISE FEE; AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Corinth, Texas (the "City"), is a home-rule city with full power of local self-government; and

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

**WHEREAS**, the City, through the City Council, and pursuant to both state law and Article XI, "Utilities, Franchises and Licenses" of the City's Home Rule Charter, is authorized to grant, renew, and extend all franchises of all public services operating within the City, and with the consent of the franchisee, to amend the same; and

**WHEREAS**, providing an appropriate and effective service provider for the collection and disposal of solid waste and recyclable materials is integral to the City's obligation to provide for the health, safety and welfare of its residents; and

**WHEREAS**, the award of an exclusive contract for the removal of waste and recyclable materials constitutes a proper exercise of the City's police power and the approval of this ordinance is within the legislative competency of the City Council; and

**WHEREAS**, Community Waste Disposal, LP ("CWD") has consistently and effectively been providing solid waste and recycling services to the residents of the City of Corinth for seven years, their services have been provided to the satisfaction of the City at reasonable rates, and their services have assisted the City with appropriately disposing of solid waste and recyclable materials; and

**WHEREAS**, the City has reviewed rates charged by other solid waste services providers in the area and has determined that the rates charged by CWD have been and continue to be extremely competitive and are reasonable compensation for the services provided; and

**WHEREAS**, as allowed by law and given the City's prior satisfaction with CWD as its solid waste and recycling services provider, the City has entered into discussion with CWD relative to rates that CWD is currently charging for solid waste collection and recycling services; and

**WHEREAS**, based up the quality of services that have been provided by CWD over the past seven years and given the competitive rates for service provided by CWD, the City has determined it to be in the best interest of the City and its residents to enter into a new franchise agreement with CWD for exclusive solid waste and recycling services; and

**WHEREAS**, as required by Section 11.03 of the City's Home Rule Charter, a summary of the purpose of this Ordinance was published on September 2, 2019 in the Denton Record Chronicle, such date being at least thirty (30) days prior to the date of the adoption of this Ordinance; and

**WHEREAS**, after evaluating the quality service history of CWD and the competitive rates for services proposed by CWD, the City Council has determined that the best interests of the City are served by entering into an Exclusive Contract for Solid Waste and Recycling Services for the City of Corinth Texas by and between the City of Corinth and Community Waste Disposal ("CWD") pursuant to the terms of the agreement attached hereto and approved by this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORINTH, TEXAS:**

Section 1. Incorporation of Premises. The above and foregoing recitals are true and correct and are incorporated herein as findings of fact and made a part of this Ordinance.

Section 2. Agreement. In accordance with Article XI, Utilities, Franchises and Licenses of the Charter of the City of Corinth, Texas, the "Exclusive Contract for Solid Waste and Recycling Services for the City of Corinth, Texas" by and between the City of Corinth and Community Waste Disposal (the "Agreement") a copy of which is attached hereto as **Attachment "A"** and incorporated herein for all purposes, is hereby approved in form and substance for the public service of collection of residential and commercial solid waste and recycling in the City. The franchise for public services granted hereby shall be exercised in accordance with the terms of the Agreement, the provisions of Article XI of the City's Home Rule Charter, and all ordinances of the City of Corinth.

Section 3. Collection and Disposal Rates and Franchise Fees Adopted. The rates for collection and disposal of solid waste and recyclable materials within the City by CWD including without limitation the franchise fees set forth in the Agreement, are hereby adopted as set out in the Agreement, subject to adjustments as provided in the Agreement, or as further provided by ordinance of the City.

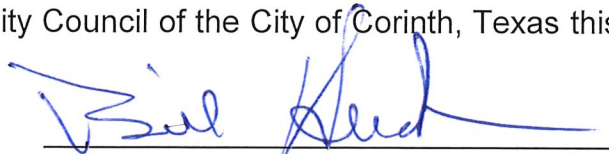
Section 4. Execution of Agreement. The Mayor or his designee is authorized to execute the Agreement on behalf of the City.

Section 5. Cumulative Repealer. This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City and shall not operate to repeal or affect any such other ordinances, except insofar as the provisions thereof are inconsistent or in conflict with the provisions hereof, and to the extent of such conflict, if any, such other ordinances are hereby repealed.

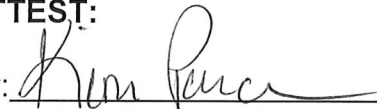
Section 6. Severability Clause. It is hereby declared by the City Council that if any of the sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance should be declared unconstitutional or otherwise invalid for any reason, such event shall not affect any remaining sections, paragraphs, sentences, clauses, phrases, words, or provisions of this ordinance.

Section 7. Effective Date. In accordance with Section 11.03 of the City's Home Rule Charter, this Ordinance granting the public service franchise for collection and disposal of solid waste and recyclable material shall take effect upon acceptance by CWD within sixty (60) days after the date that this Ordinance is adopted.

**PASSED AND APPROVED** by the City Council of the City of Corinth, Texas this the 3<sup>rd</sup> day of October, 2019.

  
Bill Heideman, Mayor

**ATTEST:**

By:   
Kim Pence, City Secretary

**APPROVED AS TO FORM:**

By:   
Patricia A. Adams, City Attorney

