



**SOLID WASTE COLLECTION**  
**SPOKANE CENTRAL SERVICE CENTER**  
915 NORTH NELSON STREET  
SPOKANE, WASHINGTON 99202-3769  
509.625.7878  
FAX 509.343.9652  
spokanecitysolidwaste.com

August 19, 2016

Penny L. Ingram  
Washington Utilities & Transportation Commission  
Regulatory Services Division  
P.O. Box 47250  
1300 S. Evergreen Park Dr. SW  
Olympia, WA 98504

2016 SEP 19 AM 11:42  
CITY OF SPOKANE  
COMMUNICATIONS SECTION

Re: City of Spokane, Solid Waste Collection Franchise to Waste Management  
For Spokane Housing Ventures Annexation Area

Dear Ms. Ingram:

This letter serves as formal notification that the City of Spokane has granted a Solid Waste Collection Franchise to the g-permit holder, Waste Management, permit G-237, for the area known as the Spokane Housing Ventures Annexation. Enclosed please find a copy of the Solid Waste Collection Franchise, Ordinance No. C35401. The term of the Franchise is for a period in excess of the seven years as required by RCW 35.13.280. Accordingly the City also intends to exercise its rights as outline in RCW 81.77.020 and provide solid waste collection services at the end of or revocation of this Franchise.

Again, this letter is an official notification from the City that it intends to assert full and exclusive solid waste jurisdiction over this and all other territory in the City of Spokane, now and hereafter annexed.

Thank you for your assistance. Please contact me, should you have any questions.

Very truly yours,

Scott K. Windsor  
Director, City of Spokane Solid Waste Management

Encls: Ordinance C 35401

cc: Waste Management  
Elizabeth Schoedel, Assistant City Attorney



**Agenda Sheet for City Council Meeting of:**  
06/06/2016

<b>Date Rec'd</b>	5/25/2016
<b>Clerk's File #</b>	ORD C35401
<b>Renews #</b>	
<b>Cross Ref #</b>	
<b>Project #</b>	
<b>Bid #</b>	
<b>Requisition #</b>	

<b>Submitting Dept</b>	SOLID WASTE COLLECTION
<b>Contact Name/Phone</b>	SCOTT 625-7806
<b>Contact E-Mail</b>	SWINDSOR@SPOKANECITY.ORG
<b>Agenda Item Type</b>	First Reading Ordinance
<b>Agenda Item Name</b>	4500 FRANCHISE ORDINANCE WITH WASTE MANAGEMENT

**Agenda Wording**

Ordinance granting a municipal franchise for the collection of solid waste to Waste Management of Washington, Inc., dba Waste Management of Spokane, (Spokane Valley, WA) for the area generally known as the Spokane Housing Ventures Annexation Area.

**Summary (Background)**

This franchise is issued pursuant to RCW 35.13.280. Washington State Law requires that cities allow a minimum of seven (7) years of franchise to UTC G-permit holders of annexed lands. This franchise agreement will run May 28, 2016 through May 28, 2024. By granting eight (8) years of franchise, this will be consistent with previous annexations. Waste Management will be responsible for collecting City utility tax and compliance with City of Spokane Municipal Codes. Once this franchise

<b>Fiscal Impact</b>		<b>Budget Account</b>	
Select	\$		#
Select	\$		#
Select	\$		#
Select	\$		#
<b>Approvals</b>		<b>Council Notifications</b>	
<b>Dept Head</b>	WINDSOR, SCOTT	<b>Study Session</b>	PWC 05-09-2016
<b>Division Director</b>	GIMPEL, KEN	<b>Other</b>	
<b>Finance</b>	KECK, KATHLEEN	<b>Distribution List</b>	
<b>Legal</b>	WHALEY, HUNT	jsalstrom@spokanecity.org	
<b>For the Mayor</b>	WHITNEY, TYLER	Tax & Licenses	
<b>Additional Approvals</b>		swindsor@spokanecity.org	
<b>Purchasing</b>		eschoedel@spokanecity.org	
		jgranado@wm.com	

FIRST READING OF THE ABOVE ORDINANCE  
WAS HELD ON

AND FURTHER ACTION WAS DEFERRED

6/6/2016  
*Sen. [Signature]*  
CITY CLERK

PASSED BY  
SPOKANE CITY COUNCIL:

7/11/2016  
*Sen. [Signature]*  
CITY CLERK



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06/06/2016

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Select \$	#
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		jgranado@wm.com	



**Continuation of Wording, Summary, Budget, and Distribution**

**Agenda Wording**

**Summary (Background)**

expires, the City of Spokane will assume collection functions for the annexed area.

<b>Fiscal Impact</b>		<b>Budget Account</b>	
Select	\$		#
Select	\$		#
<b>Distribution List</b>			

**BRIEFING PAPER**  
**Public Works Committee**  
**Solid Waste Collection**  
**May 9, 2016**

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**Subject**

Franchise to Waste Management for collection of solid waste in the Spokane Housing Ventures annexation for a period of eight years

**Background**

The franchise for the collection of solid waste and service of the Spokane Housing Ventures annexation will be for an eight year period beginning April 11, 2016 through April 11, 2024. State law requires Cities to allow a minimum of 7 years of franchise to UTC G-permit holders of annexed lands. By granting eight years of franchise, it will be consistent with previous annexations.

**Impact**

Granting of franchise is required by State of Washington Law. The franchise holder is responsible for collection of City utility tax and compliance with City of Spokane ordinances and service levels.

**Action**

Recommend approval

**Funding**

No current cost to the City.

## **SOLID WASTE COLLECTION FRANCHISE**

### **Ordinance No. C35401**

AN ORDINANCE granting a municipal franchise for the collection of solid waste to Waste Management, for that area generally known as the Spokane Housing Ventures Annexation Area.

WHEREAS, the City of Spokane annexed areas of the Spokane Housing Ventures Annexation Area on April 11, 2016, at which time Waste Management was providing garbage and refuse collection services;

WHEREAS, RCW 35.13.280 provides that when a city annexes an unincorporated area that a company providing solid waste and refuse collection services within the newly annexed area shall be allowed to continue providing the solid waste and refuse collection services for at least seven years following the exercise of certain steps to terminate those statutory rights;

WHEREAS, the City of Spokane has notified the Washington Utilities and Transportation Commission of intent to terminate the statutory rights and offer a franchise; and

WHEREAS, the City of Spokane desires to grant a franchise to Waste Management, pursuant to RCW 35.13.280, whereby Waste Management, shall be allowed to continue to provide garbage and refuse collection services within the newly annexed Spokane Housing Ventures Annexation Area under the same terms and conditions as has been previously allowed by the Washington Utilities & Transportation Commission.

NOW THEREFORE, the City of Spokane does ordain:

#### **Section 1. GRANT, TERM**

- A. Pursuant to RCW 35.13.280, the City of Spokane, a Washington municipal corporation hereby grants to Waste Management, (hereinafter referred to as "Franchisee"), a non-exclusive franchise for the collection of solid waste inside the City of Spokane in the Spokane Housing Ventures Annexation Area, as more fully described in Annexation Ordinance C35370 The legal description and informational map is attached as EXHIBIT "A" and incorporated herein.
- B. The City of Spokane Solid Waste Collection Director administers and interprets this ordinance, considering the public health, safety and convenience.

- C. Notwithstanding any other provision, nothing in this franchise exceeds either the scope of Franchisee's state solid waste certificate in the annexed area at the time of annexation or the City's authority to grant such a privilege. This franchise expires the earlier of eight years from the effective date of this ordinance, or May 28, 2024. At such time, Franchisee agrees to peacefully surrender all routes, customer and other information as required by the Solid Waste Collections Director. In addition, the parties agree that Franchisee may at any time voluntarily elect to surrender the franchised territory or any part thereof by giving sixty days written notice to the Solid Waste Collections Director, under such arrangements as may be convenient to both parties; PROVIDED, the Solid Waste Collection Director shall also approve the surrender under such arrangements as may be mutually convenient to the parties.

## Section 2. CONDITIONS

- A. The City reserves full authority to regulate and tax the Franchisee as authorized by law and asserts full jurisdiction over Franchisee's operations as an independent contractor. Franchisee is solely and separately responsible for all its activities and shall never represent that it is an employee or agent of the City of Spokane. Franchisee agrees to dispose of all materials and solid waste collected at designated landfills or other sites designated by the Solid Waste Collection Director, and to pay applicable rates therefore.
- B. The Franchisee agrees to provide safe, reliable public solid waste collection service. Operation shall be in conformance with chapter 13.02 SMC, including SMC 13.02.0204 or equivalent and compliance with the Regional Solid Waste Management Plan is presumed to satisfy this requirement except as ordered by the Solid Waste Collection Director. Franchisee's rates to the public shall be fair and reasonable. Compliance with Washington Transportation & Utilities Commission approved rates for similar service in the area is presumed fair and reasonable, but rates in excess of these rates shall be presumed not to be fair and reasonable, all rates subject to review and approval by the Solid Waste Collection Director, guided by standards applicable to Washington Transportation & Utilities Commission certificated haulers. As to operational matters, City ordinances and Solid Waste Collection Department policies and practices supplant Washington Transportation & Utilities Commission rules.
- C. Franchisee must notify the public at least forty five days prior to any rate increases as provided in RCW 35.21.157. Service levels shall be adequate and sufficient to satisfy all customer needs. Service levels shall be at least at the similar level to that currently provided by the City of Spokane Solid Waste Collection Department. Service not to this level shall be presumed

insufficient. All service is subject to review and approval by the Solid Waste Collection Director.

- D. The Franchisee agrees to indemnify and hold harmless the City of Spokane, its officers, agents and employees from all loss or liability for Franchisee's actions in connection with the enjoyment of franchise privileges. This provision survives expiration or revocation of this franchise. Franchisee's obligation to indemnify and/or hold harmless the City shall not in any way be modified by the grant of immunity to employers under Title 51 RCW, such immunity being waived for purposes of that obligation. \*\*This provision has been mutually negotiated between the parties.

Franchisee Initial \_\_\_\_\_

- E. All Franchisee records relating to enjoyment of franchise privileges are subject to inspection and copying by the Solid Waste Collection Director. The Franchisee shall provide the Solid Waste Collection Director with a copy of its Annual Report to the Washington Transportation & Utilities Commission relating to its operations, in addition to any other information ordered by the Solid Waste Collection Director.

### Section 3. ACCEPTANCE, TAXES, FEES

- A. The City tenders this franchise and Franchisee accepts the same in full satisfaction of any and all claims for measurable damages caused by cancellation of any state certificate whether arising under RCW 35.13.280 or any other source in contract or at law. The Franchisee acknowledges that the City has granted time in excess of the requirements of law, and the time granted is accepted in full settlement and compromise of any additional claims for damage or additional compensation because of the City's takeover of annexed territory upon the expiration of this franchise or for any other reason. Pending signature of Franchisee, operations in the franchise area shall be deemed acceptance of all franchise terms.
- B. The Franchisee must pay all municipal taxes, together with any applicable municipal fees, costs, or expenses associated with the municipal administration of this franchise. Franchisee agrees to provide evidence of insurance generally to include CGL and Pollution legal liability coverages of ten million dollars per occurrence or as may be otherwise approved by the City of Spokane Risk Manager as a condition of operation.

Passed the City Council

July 11, 2016

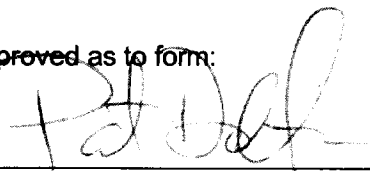
Ben Sticht

Council President



Attest:

Approved as to form:



\_\_\_\_\_  
City Clerk

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Effective Date

ATTACH: Legal description: EXHIBIT A; may also attach map

Terms accepted by Waste Management:

Dated: \_\_\_\_\_

WASTE MANAGEMENT

By: \_\_\_\_\_  
Title: \_\_\_\_\_

**EXHIBIT "A"**  
**Spokane Housing Ventures Annexation Area**  
**Legal Description**

Approximately 37 acres of land legally described as follows:

Those portions of the North ½ of Section 3, Township 24 North, Range 43 East W.M. and further described as follows:

All of lots 5-7 and portions of lots 3,4 and 8-12 of, Block 1, of The Amended Plat of South Spokane and Lot 1, Block 2, of the Plat of Hilby Station; which include the following Parcel Numbers: 34032.0433, 34032.0405, 34032.0432, 34032.0490, 34032.0489, 34032.0492, 34032.0481, 34032.0480, 34032.0446, 34032.0412, and 34032.0447.

The boundaries are described below:

Beginning (Point of Beginning) at the southwest corner of Lot 12, Block 1, of The Amended Plat of South Spokane, which is also the intersection of the north right-of-way line of 55<sup>th</sup> Avenue and the east right-of-way line of Regal Street; THENCE west across Regal Street to the intersection of the west right-of-way line of Regal Street and the north right-of-way line of 55<sup>th</sup> Avenue; THENCE north along said west right-of-way line of Regal Street to the intersection of the south right-of-way line of 53<sup>rd</sup> Avenue (coincident with the south limit of the City of Spokane) and the west right-of-way line of Regal Street; THENCE east along the south limit of the City of Spokane to the southeast corner of Lot 1 Block 2 of the plat of Russell's subdivision recorded at the Spokane County Auditor on October 11, 1962, said point being on the west right-of-way line of Freya Street; THENCE east across Freya Street to the intersection of the east right-of-way line of Freya Street and the north line of Lot 4 Block 1 of the Amended Plat of South Spokane; THENCE south along the east right-of-way line of Freya Street to the intersection of the north right-of-way of 55<sup>th</sup> Avenue and the east right-of-way line of Freya Street; THENCE west across Freya Street to the intersection of the north right-of-way line of 55<sup>th</sup> Avenue and the west right-of-way line of Freya Street; THENCE west along the north right-of-way line of 55<sup>th</sup> Avenue to the point of beginning.

All properties situate in Spokane County, Washington

