

2019-29

A RESOLUTION

SUBMITTING TO THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2019, A BALLOT QUESTION THAT WOULD AUTHORIZE THE CITY OF LAKEWOOD TO PROVIDE WASTE HAULER SERVICES BY CONTRACTING WITH ONE OR MORE PRIVATE WASTE HAULERS VIA A COMPETITIVE BIDDING PROCESS AND TO ASSESS A FEE THEREFOR, PURSUANT TO SECTION 30-15-401 OF THE COLORADO REVISED STATUTES

WHEREAS, Colorado municipalities are authorized pursuant to Section 30-15-401 of the Colorado Revised Statutes to provide waste services to their residents and to impose fees therefor on residential property owners;

WHEREAS, the City of Lakewood Comprehensive Plan and Sustainability Plan, both adopted by the City Council, specifically address residential waste collection;

WHEREAS, the Sustainability Plan has an adopted target for the City to achieve a 60 percent (60%) residential diversion rate by 2025;

WHEREAS, the City conducted community engagement over the course of two (2) years in order to understand residents' opinions about the current residential trash collection system and to gather ideas about how the system could be improved;

WHEREAS, community engagement involved a project website, one-on-one conversations at community events, public meetings, mobile kiosks, social media and print media and engaged more than 4,000 stakeholders;

WHEREAS, City staff conducted extensive research, including a statistically significant community survey, neighborhood trash truck counts, research into approaches from other communities, and City-specific assessments of a variety of approaches to system improvement options including enhanced licensing, contracted systems and a preferred hauler system;

WHEREAS, through the foregoing process, City staff identified the following primary community concerns:

- Multiple trash trucks on residential streets leading to noise, pollution, safety concerns and other neighborhood impacts
- Cost of services
- Lack of recycling and compost services

WHEREAS, if the ballot question is approved by Lakewood voters, trash and recycling collection will be provided to all residential properties with seven or fewer units at rates based on container size, allowing households that produce less trash to pay less, as follows:

- a minimum of two annual curbside collections of yard waste will be provided at no additional cost
- optional fee-based services will be available to all households including, but not limited to, curbside compost collection for food and yard waste, bulk item collection and door-to-curb container delivery service;
- waste hauler contracts will be awarded through a competitive bidding process conducted in accordance with the City's purchasing policies;
- contract lengths will be limited in duration to foster ongoing market competition, and contracts will include limits on cost escalations;
- home owner associations with existing contracts for trash and recycling services will be provided the capability to opt out
- the City will collect program fees and may establish a fund to manage revenue and expenditures;
- the City Council will regulate all service rate structures and administrative fees; and

WHEREAS, at its August 15, 2019, meeting, the City Council directed staff to prepare to refer to the regular municipal election to be held on Tuesday, November 5, 2019 (the "Election"), the question of whether the City should provide residential waste services to Lakewood residents and impose fees for such services.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKEWOOD, COLORADO THAT:

SECTION 1. At the Election, there shall be submitted to the vote of the registered electors of the City of Lakewood the following ballot question to authorize the City to provide waste hauler services by contracting with one or more private waste haulers via a competitive bidding process and to assess a fee therefor, pursuant to section 30-15-401 of the Colorado Revised Statutes:

SHALL THE CITY OF LAKEWOOD, COLORADO, IN ORDER TO INCREASE ACCESS TO RECYCLING AND COMPOSTING SERVICES, REDUCE NEIGHBORHOOD TRASH TRUCK TRAFFIC, AND ESTABLISH TRANSPARENT PRICING AND CUSTOMER SERVICE STANDARDS, BE AUTHORIZED TO CONTRACT WITH ONE OR MORE PRIVATE WASTE HAULERS VIA A COMPETITIVE BIDDING PROCESS TO PROVIDE WASTE SERVICES TO LAKEWOOD RESIDENCES OF SEVEN OR FEWER UNITS AND TO IMPOSE FEES ON SUCH RESIDENTIAL PROPERTY OWNERS, EXEMPTING ALL SUCH REVENUES FROM THE LIMITS OF ARTICLE X, SECTION 20, OF THE COLORADO CONSTITUTION, WHILE PROVIDING HOME OWNER ASSOCIATIONS THE CAPABILITY TO OPT OUT OF SUCH REQUIREMENTS?

YES _____

NO _____

SECTION 2. The ballot title for the ballot question contained in this Resolution is hereby determined to be the text of the ballot question itself.

SECTION 3. All prior acts, orders or resolutions, or parts thereof, by the City in conflict with this Resolution are hereby repealed, except that this repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

SECTION 4. If any article, section, paragraph, sentence, clause or phrase of this Resolution is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The City Council hereby declares that it would have passed this Resolution and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

SECTION 5. This Resolution shall become effective immediately upon its adoption.

INTRODUCED, READ AND ADOPTED by a vote of ___ for and ___ against at a regular meeting of the City Council on August 26, 2019, at 7 o'clock p.m. at Lakewood City Hall, 480 South Allison Parkway, Lakewood, Colorado.

Adam Paul, Mayor

ATTEST:

Margy Greer, City Clerk

APPROVED AS TO FORM:

Timothy P. Cox, City Attorney