RESOLUTION NO. 2023-012

A RESOLUTION OF THE TOWN OF OAK CREEK, COLORADO APPROVING A REFUSE AND RECYCLABLES COLLECTION CONTRACT BY AND BETWEEN THE TOWN OF OAK CREEK AND WASTE MANAGEMENT OF COLORADO, INC., DBA WM

RECITALS:

A. The Town of Oak Creek in 1994 adopted Ordinance 467 Mandatory Refuse Collection, providing that the Town or its agents or contractors shall furnish refuse collection service.

B. Ordinance 467 further provided that a refuse collection system shall be provided by the Town or its contractor to all residences; and, that the Town shall not compel industrial or commercial establishments, community facilities or multifamily residences of six or more units to use or pay user fees for refuse collection services provided by the Town or its contractor in preference to those services provided by a private person or hauler.

C. The Town of Oak Creek did post an invitation to bid for residential and Town facilities refuse and recyclables collection and disposal services in the local newspaper and other places as required, accepting proposals and publically opening all bids on July 13, 2023.

D. This Contract is for the exclusive collection and disposal of refuse as well as the exclusive collection for recycling of recyclables within the Town of Oak Creek generated by and collected from all single- and multi-family units of five (5) units or less and Town Facilities.

E. Commercial refuse collection, including but not limited to commercial businesses, industrial and multi-family residential of six (6) or more units, are not part of this Contract.

F. The Contract term shall be for a term of five (5) years beginning on November 1, 2023 and ending on October 31, 2028 subject to the provisions of Section 20 of Article X of the Colorado Constitution (also referred to as the "TABOR Amendment") which limits the Town's ability to enter into multiple-fiscal year financial obligations, and any financial obligation of the Town under a multiple-fiscal year term beyond the initial fiscal year will be subject to and conditioned upon the due adoption of a budget by the Town Board of Trustees for the year in which obligation is due for which the said budget provides for or appropriates funds for such obligation unless sooner terminated by the Parties.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF OAK CREEK, COLORADO:

1. The Refuse and Recyclables Collection Contract ("Contract"), by and between the Town of Oak Creek, organized and existing under and by virtue of the laws of the State of Colorado ("Town") and Waste Management of Colorado, Inc., dba WM ("Contractor"), attached hereto as Attachment A, is hereby adopted.

2. The Mayor and Town Administrator/Clerk are authorized to execute the Contract on behalf of the Town of Oak Creek.

THEREFORE, BE IT RESOLVED this _____ day of October, 2023.

_____
Nikki Knoebel, Mayor Town of Oak Creek

ATTEST:

_____
David Torgler
Town Administrator/Clerk