

RESOLUTION NO. 655

A RESOLUTION GRANTING AN EXCLUSIVE FRANCHISE FOR SOLID WASTE MANAGEMENT TO UNITED DISPOSAL SERVICES, INC.

- WHEREAS, United Disposal Services, Inc., is currently the City's Franchisee for solid waste management, for a term of approximately five (5) years, under prior agreement and City Code provisions;
- WHEREAS, On July 6, 1999, the Stayton City Council passed Ordinance No. 801, adopting Chapter 4.08 of the Stayton Municipal Code, governing solid waste management;
- WHEREAS, United Disposal Services, Inc., and the City of Stayton have mutually agreed to revoke the existing Franchise Agreement and enter into a new Franchise Agreement under the terms and conditions of the City's newly adopted Chapter 4.08 of the Stayton Municipal Code;
- WHEREAS, The City of Stayton deems it reasonable and appropriate to enter into a new, exclusive, five-year Franchise Agreement with United Disposal Services, Inc., under Chapter 4.08 of the Stayton Municipal Code; and,
- WHEREAS, The proposed form of the Franchise Agreement is attached hereto, marked as Exhibit A.

BE IT RESOLVED:

SECTION 1

There is hereby granted to the United Disposal Services, Inc., an Oregon corporation (hereinafter "United"), the exclusive right, privilege and Franchise to provide solid waste management services pursuant to Chapter 4.08 of the Stayton Municipal Code under the terms of the Franchise Agreement entered into between the City and United, in a form attached hereto, marked as Exhibit A.

SECTION 2

The Franchise granted is based upon the qualifications of United on the basis of demonstrated knowledge of the service business, the ability of United to continue to furnish all required and necessary equipment and personnel; the financial responsibility of United; the capacity of United to indemnify the City and its inhabitants against the failure on its part to fulfill the terms of the

Franchise or against injuries occurring to the City or any of its inhabitants in the performance of such Franchise; and, the prior experience of United in maintaining adequate public service in the City and the surrounding area with virtually no public complaint.

Adopted by the Stayton City Council on Oct. 4, 1999.

CITY OF STAYTON

Date: Oct 5, 1999, 1999.

By: Henry A. Porter
HENRY A. PORTER, MAYOR

Date: 10-6-99, 1999.

Attest [Signature]
THOMAS L. BARTHEL, City Administrator

APPROVED AS TO FORM:

Date: OCT 18 1999, 1999.

David A. Rhoten
DAVID A. RHOTEN, City Attorney