

# Memorandum



CITY OF DALLAS

DATE June 6, 2013

TO Honorable Members of the Transportation and Environment Committee:  
Linda L. Koop (Chair), Sheffie Kadane (Vice Chair), Sandy Greyson,  
Delia Jasso, Vonciel Jones Hill, Pauline Medrano

SUBJECT **Upcoming Agenda Item – Draft Addendum Item #10 on the June 12, 2013 Council Agenda**

The City of Dallas provides residential solid waste collection for 240,000 single family homes. In order to properly collect and dispose of the waste, the City operates McCommas Landfill and three waste transfer stations. Commercial waste haulers are also allowed to dispose of waste at the McCommas Landfill by paying a disposal service charge. The revenue generated from these commercial waste haulers helps offset landfill management costs, which ultimately reduces the disposal cost for residential collections.

- \* The City of Dallas currently offers long-term (1-5 year) disposal service contracts, with discounts off the regular gate rate, to commercial haulers that guarantee the disposal of a specified quantity of solid waste at the landfill annually. These service contracts are for guaranteed volume regardless of whether the tonnage is delivered or not. The contracts are referred to as “put or pay” contracts. These contracts help the City realize efficiencies due to economies of scale, plan for annual operational needs and future waste cell construction, and better forecast a significant portion of the annual revenue related to commercial disposal.

The City's landfill currently receives over 900,000 tons annually from commercial waste haulers. Nearly half of that tonnage is from commercial haulers with “put or pay” contracts. These contracts, which represent \$7.5M in revenue annually, expire this year.

With contracts expiring this year, Sanitation Services began reviewing the discount rates for disposal service contracts and engaged SAIC, Energy, Environment & Infrastructure, LLC to conduct a regional market analysis of rates for large volume long-term contracts. After a review of the analysis, Sanitation Services is recommending an update to the current volume discount fee structure that will enable the landfill to remain competitive regionally and incentivize new or renewed long-term contracts.

On June 12, 2013, Council will consider an agenda item to update the fees and fee system for disposal service contracts in Chapter 18, Section 18-11(c), of the Dallas City Code (see attached). Staff recommends these updates based on the recent market analysis. These updates are intended to keep contracted landfill tonnages consistent and sustain their associated revenue.

Please let me know if you need additional information.

Forest E. Turner  
Assistant City Manager

Attachment

Cc: The Honorable Mayor and Members of the City Council  
Mary K. Suhm, City Manager  
Thomas P. Perkins, Jr., City Attorney  
Rosa A. Rios, City Secretary  
Craig D. Kinton, City Auditor  
Judge Daniel F. Solis, Administrative Judge  
A.C. Gonzalez, First Assistant City Manager  
Jill A. Jordan, P.E., Assistant City Manager

Ryan S. Evans, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Edward Scott, Director, Controller's Office  
Frank Libro, Public Information Office  
Theresa O'Donnell, Director, Sustainable Development and Construction  
Rick Galceran, Director, Public Works  
Stephanie Cooper, Assistant to the City Manager – Council Office

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Section 18-11 of CHAPTER 18, "MUNICIPAL SOLID WASTES," of the Dallas City Code, as amended; revising discount rates for the disposal of solid waste at the landfill by solid waste collection services that enter into long-term disposal service contracts with the city; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection (c) of Section 18-11, "Specifying Charges for Disposal of Solid Waste Materials," of Article I, "Collection and Disposal," of CHAPTER 18, "MUNICIPAL SOLID WASTES," of the Dallas City Code, as amended, is amended to read as follows:

"(c) The director of sanitation may enter into a disposal service contract with a solid waste collection service (as defined in Section 18-29 of this chapter) to provide for volume delivery of solid waste to the landfill on an annual basis for a discounted disposal service charge, subject to the following rules and conditions:

(1) The disposal service contract must be in writing, on a form approved by the director of sanitation and the city attorney's office. The term of the contract may not be longer than five years. The contract must be authorized by administrative action and must be signed by the city manager and approved as to form by the city attorney.

(2) The disposal service contract must provide for a guaranteed annual tonnage of solid waste of not less than 10,000 tons to be disposed of at the landfill. The contractor shall not exceed the contracted guaranteed annual tonnage by more than 25 [five] percent; this will be the contractor's maximum annual tonnage limit. Notwithstanding Subsection (b)(3) of this section, if the landfill weighing system is inoperable during a delivery of solid waste under the contract, the tonnage will be estimated by the city on the basis of the full capacity of the vehicle delivering the solid waste. [~~Tonnage weighed or estimated in fractions will be rounded off to the nearest whole ton.~~]

(3) The director of sanitation is not required to enter into a disposal service contract under this subsection if the director determines that:

(A) the useful life of the landfill would be adversely affected; or

(B) it is not practical to enter into a proposed disposal service contract for engineering, operational, or financial reasons.

(4) Payment of the disposal service charge under a disposal service contract will be calculated in accordance with the terms of the contract and this subsection. The initial disposal service charge for each solid waste disposal contract entered into pursuant to this subsection will be the disposal service charge in effect under Subsection (b)(2) on the date the contract is executed. On October 1 of each calendar year, the disposal service charge will be increased by the percent change, if any, between the June consumer price index for the current calendar year and the June consumer price index for the prior calendar year, except that the annual increase in the disposal service charge may not exceed six percent during any calendar year. The percent change will be determined by the director using *The Consumer Price Index for All Urban Consumers (CPI-U) for the South Region for All Items, 1982-84=100*, published by the United States Department of Labor, Bureau of Labor Statistics. The contractor must pay the disposal service charge on a monthly basis. At the end of each contract year, the director of sanitation shall perform a reconciliation to determine the actual tonnage of solid waste disposed of at the landfill under the contract in that contract year and to make any adjustments to the amounts finally owed by the contractor.

(5) In consideration of the agreement of a solid waste collection service to guarantee the disposal of an annual tonnage of solid waste at the landfill pursuant to a disposal service contract, the director of sanitation may provide a discount from the disposal service charge required under Subsection (c)(4) of this section in accordance with the following table:

<u>Disposal Service Contract Discount Rate</u>				
<u>SOLID WASTE DISPOSED OF AT THE LANDFILL DURING A CONTRACT YEAR (in tons)</u>		<u>DISCOUNT RECEIVED BASED ON THE CONTRACT TERM (in percentages)</u>		
<u>From</u>	<u>To</u>	<u>1 or 2 Year Contract Term</u>	<u>3 or 4 Year Contract Term</u>	<u>5 Year Contract Term</u>
10,000	49,999	0.00%	1.50%	3.00%
50,000	74,999	2.25%	4.50%	9.00%
75,000	99,999	3.00%	6.00%	12.00%
100,000	124,999	3.75%	7.50%	15.00%
125,000	149,999	3.94%	7.88%	15.75%
150,000	199,999	4.06%	8.13%	16.25%
200,000	No maximum	4.25%	8.50%	17.00%

Disposal Service Contract Discount Rate				
INCREMENTS OF SOLID WASTE DISPOSED OF AT THE LANDFILL DURING A CONTRACT YEAR (in tons)		DISCOUNT RECEIVED FOR EACH INCREMENT BASED ON THE CONTRACT TERM (in percentages)		
From	To	1 or 2 Year Contract Term	3 or 4 Year Contract Term	5 Year Contract Term
0	10,000	0%	0%	0%
10,001	50,000	0%	1.5%	3.0%
50,001	100,000	1.2%	3.0%	6.5%
100,001	150,000	2.3%	4.5%	9.0%
150,001	200,000	3.1%	6.0%	12.0%
200,001	No maximum	4.0%	8.0%	26.0%

(6) If the contractor fails to dispose of the annual tonnage of solid waste at the landfill as guaranteed under the contract, the contractor must still pay the discounted disposal service charge for the entire annual tonnage guaranteed.

(7) If the director of sanitation determines that the contractor has disposed of an amount of solid waste at the landfill that exceeds the annual tonnage guaranteed under the contract but does not exceed the maximum annual tonnage limit under Paragraph (2) of this subsection, the director shall charge a disposal service charge for that excess tonnage of solid waste using the same percentage of discount applied to the guaranteed annual tonnage under the contract.

(8) If the director of sanitation determines that the contractor has disposed of solid waste under the contract in a tonnage that exceeds the maximum annual tonnage limit under Paragraph (2) of this subsection, the director:

(A) may prohibit further disposal of solid waste by the contractor at the landfill during the contract year in which the maximum annual tonnage limit is exceeded; and

(B) shall charge the full disposal service charge required by Subsection (c)(4), without any discount, for any solid waste disposed of at the landfill in excess of the contractor's maximum annual tonnage limit.

(9) Whenever the contractor delivers a load of solid waste to the landfill that is less than one ton, the contractor will be charged the discounted disposal service charge for one ton of solid waste."

SECTION 2. That the amendments to Chapter 18 of the Dallas City Code contained in this ordinance do not apply to or impact any disposal service contract in effect on the passage date of this ordinance until that contract is renewed with the city. A solid waste collection service shall continue to comply with the terms of its contract in effect prior to the passage of this ordinance until that contract expires or is otherwise terminated.

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That CHAPTER 18 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance will take effect on June 17, 2013, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

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

Passed \_\_\_\_\_

LC/DCC/00541A