

CITY OF MAPLE VALLEY, WASHINGTON
RESOLUTION NO. R-12-845

**A RESOLUTION OF THE CITY OF MAPLE VALLEY,
WASHINGTON, RATIFYING A SOLID WASTE DISPOSAL FEE
INCREASE AND A KING COUNTY BOARD OF HEALTH
HAZARDOUS WASTE SURCHARGE FEE INCREASE EFFECTIVE
JANUARY 1, 2012 FOR THE 2009 ANNEXATION AREA KNOWN AS
MAPLE RIDGE HIGHLANDS**

WHEREAS, the City of Maple Valley adopted Ordinance 0-09-388, published on July 21, 2009, to annex the area known as Maple Ridge Highlands effective July 26, 2009; and

WHEREAS, RCW 35A.14.900 requires that a code city, upon annexation of new territory, grant a franchise of not less than seven years or pay the garbage hauler that operated under an existing permit by the State of Washington for any measurable damages it sustains as a result of cancellation of the original franchise because of annexation; and

WHEREAS, the City of Maple Valley adopted Ordinance O-09-390 granting a franchise to Fiorito Enterprises, Inc. & Rabanco Companies, dba Kent Meridian Disposal ("Rabanco", aka "Allied Waste") in September, 2009; and

WHEREAS, a provision of Ordinance O-09-390 requires that rate adjustments proposed by the hauler require staff review and City Council approval; and

WHEREAS, Metropolitan King County Council adopted Ordinance 17184 in September, 2011 establishing a new disposal rate to be effective January 1, 2012 which affects everyone in King County that generates garbage that utilizes a King County recycling and transfer facility or the Cedar Hills Landfill including curb-side garbage collection services; and

WHEREAS, King County Board of Health adopted BOH11-02.1 on April 24, 2011 increasing the Hazardous Waste surcharge on residential and non-residential solid waste collection services effective January 1, 2012; and

WHEREAS, King County disposal fee increases and King County Board of Health hazardous waste surcharge increases are typically a pass-through to the rate paying customers; and

WHEREAS, Rabanco notified Maple Ridge Highlands customers of a rate increase by letter dated December 1, 2011 which cited the Washington Utilities and Transportation Commission (WUTC) as the regulating authority to set rates; and

WHEREAS, the WUTC is not the legal authority for regulating rates within the 2009 annexed territory – the City Council has the legal authority to regulate rates; and

WHEREAS, the City Council of the City of Maple Valley, Washington desires to ratify the solid waste disposal fee increase and the hazardous waste surcharge increase effective January 1, 2012 for the 2009 annexed area known as Maple Ridge Highlands pursuant to Ordinance O-09-390;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, AS FOLLOWS:

Section 1. Ratification. The City Council of the City of Maple Valley hereby ratifies the Solid Waste Disposal fee increase that was set by Metropolitan King County Council adoption of Ordinance 17184 in September 2011 and the King County Board of Health Hazardous Waste Surcharge increase, that was set by the King County Board of Health adoption of BOH11-02.1 in April 2011, both increases to be effective January 1, 2012, for the 2009 annexed area known as Maple Ridge Highlands. A copy of the Rabanco rates by service level effective January 1, 2012 will be filed with the City Clerk and identified with Clerk's Receiving No. _____.

PASSED BY THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, AT A REGULAR BUSINESS MEETING THEREOF THIS 9th DAY OF JANUARY, 2012.

CITY OF MAPLE VALLEY

William T. Allison, Mayor

ATTEST:

Shaunna Lee Rice, City Clerk

Approved as to form:

Christy A. Todd, City Attorney