

Proposed by:	Solid Waste Advisory Committee
Attorney Review:	08/11/2013
First Reading:	08/15/2013
Second Reading:	09/05/2013
Vote:	6 Aye 0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 13-23

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 13 SOLID WASTE COLLECTION AND DISPOSAL, SECTION 13.20.030 RESPONSIBILITY FOR ADMINISTRATION, TO AMEND REGULATIONS PERTAINING TO CONTRACTS FOR SOLID WASTE COLLECTION, TRANSFER AND DISPOSAL.

WHEREAS, the Solid Waste Advisory Committee has reviewed section 13.20.030 of the Skagway Municipal Code regarding the administration of collection, transfer and disposal of solid wastes within the municipality; and

WHEREAS, the committee has determined that a long-term contract for transfer and disposal of solid wastes from the municipality could have cost saving potential; and

WHEREAS, the committee recommends that section 13.20.030 be amended to allow the Borough Assembly to enter into a long-term contract for solid waste transfer and disposal; and

WHEREAS, the Borough Assembly concurs with the committee’s recommendation and has determined that this code amendment is in the public interest and will help promote cost-effective and efficient management of solid waste transfer and disposal from the municipality;

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend Title 13, Solid Waste Collection and Disposal, by amending section 13.20.030 to amend regulations regarding the ability of the borough assembly to enter into contracts with private firms for collection, transfer and disposal of solid waste.

Section 3. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Section 13.20.030 is hereby amended as follows:

- 13.20.030 Responsibility for administration.
 - A. The municipality shall be responsible for the collection, transfer and disposal of all solid wastes within the municipality except as hereinafter


set forth; and no person shall collect and dispose of, or transfer over the streets of the municipality, any solid wastes without first obtaining a written permit from the municipality to do so.

- B. The administration of the solid waste collection, transfer and disposal system shall be under the jurisdiction of the borough manager.
- C. The borough assembly shall have the right to enter into a contract with a private firm for the collection, ~~transfer and disposal~~ of solid wastes from within the municipality for a term not to exceed five (5) years. **The borough assembly shall have the right to enter into a contract with a private firm for the transfer and disposal of solid wastes from the municipality for a term not to exceed fifteen (15) years, which shall automatically expire unless renewed in writing by the municipality; a transfer and disposal contract may include an option to renew the contract for a term not to exceed five (5) years beyond the initial term, exercisable solely at the discretion of the municipality.** In entering into such a ~~contracts~~, the borough assembly shall apply a competitive selection ~~processes~~ and shall consider the following requirements for the ~~contractors~~:
1. **With respect to a collection contract, the** ~~The~~ knowledge and prior experience of the applicant in the solid waste collection, ~~transfer and disposal business~~ **and the provision of this service;**
 2. **With respect to a transfer and disposal contract, the knowledge and prior experience of the applicant in the solid waste transfer and disposal business and the provision of these services;**
 3. **With respect to both a collection contract and a transfer and disposal contract:**
 2. **a.** The ability of the applicant to furnish all necessary equipment and personnel required in the conduct of such business;
 3. **b.** The financial responsibility of the applicant;
 4. **c.** The capacity of the applicant to indemnify **and hold harmless** the municipality and its inhabitants against a failure on his ~~the~~ **part of the applicant** to fulfill the terms of the contract ~~or~~ **and** against any injuries **or damages** occurring to the municipality or any of its inhabitants in the performance of such contract.
 - d. The contract shall be governed by Alaska law and the exclusive jurisdiction and venue for any action or dispute of any kind arising from the contract shall be in the Superior court for the State of Alaska, First Judicial District at Juneau, Alaska.**

Section 4. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.


Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 5th day of September, 2013.



Stan Selmer, Mayor

ATTEST:



Emily A. Deach, Borough Clerk
(SEAL)

