

Questions from Council Members:

1. Why was the City decided to contract with a single hauler?

The Solid Waste Fund Revenues for Fiscal Year 2017 are \$213,000.

Expenses: Leaf Pickup	\$ 59,690
Tree Dump	\$ 9,480
Solid Waste	\$121,105
Transfers	<u>\$ 25,500</u> (brush, trash, DPW bldg.)
Total Expenses	\$215,775

Expenses are \$2,775 more than revenues.

In 2015, the deficit was \$64,277. Council approved increasing the Solid Waste Millage from 2 mills to 3 mills. However, this is still not sufficient to maintain existing practices.

2. Will the City receive any financial, material or other benefit from the single hauler who ultimately is awarded the contract?

Financial benefit would be the NET savings of approximately \$48,000: This is reflected in the Leaf Pickup costs LESS the charges to the City for Municipal Services, Annual Festivals/Events, and Annual Clean Up.

Estimated costs to the City of Albion:

- Municipal Services	\$360.00/month	\$4,320 / year
- Annual Festivals		\$ 400
- Annual Clean Up		\$7,000

Other benefits are a reduction in the amount of dumping that the City has been assuming when the property is vacant or the owners are non-responsive. The current system of raking the leaves to the berm area is clogging the drains and obstructing street traffic. Also, it greatly reduces the wear and tear on city streets by reducing the amount of truck traffic.

3. Can the City legally mandate residents to utilize a single hauler?

Current City Ordinances provides:

Section. 66-139(b) – Each owner or occupant of the residential premises shall contract with a valid licensee to provide refuse collection for each residential premise owned or occupied by him.

Section 66-139(e) – Fines of \$100.00 per day shall be assessed when it is determined that a residential premise is not receiving refuse service, after notification from the city manager.

Section 66-180 (a) – fines for not employing a refuse collector shall constitute a lien on such premises as though they are a delinquent utility fee. After 6 months, the city treasurer shall place the charges on the tax roll.

4. Does it/will it require a vote of Albion residents?

No. The issue of single hauler involves a contract for services and the amendment of an ordinance, thus voter approval is not required. See response to #5 for further details.

5. Does the Headlee Amendment prohibit the City from forcing residents to utilize a single hauler?

No. A virtually identical set of facts was addressed by the Michigan Court of Appeals in *Wheeler v Township of Shelby*, 265 MichApp 657; 697 NW2d 180 (2005). In *Wheeler*, the citizens challenged the constitutionality of an ordinance requiring residential residents to use a single waste hauler approved by the township. The court held that the ordinance did not violate the Headlee Amendment as the waste hauler fees are fees for services rather than a tax and, as such, Headlee was not implicated. Importantly, the court determined that since the imposed fees were not a tax as the fees were remitted to the hauler for services rendered, and not the City, it was not a tax. The Court further found that the ordinance and imposition of single hauler did not violate the Commerce Clause.

6. If this ordinance passes, it will undoubtedly put the "little guy" out of business. Are there in Albion that may be affected?

There are not currently any small businesses operating in Albion that provide trash hauling services. Turner abruptly went out of business in September 2016. It was indicated that they could not continue due to the large number of delinquent accounts and rates charged to many of their clients had not been increased in several years. Turner did not submit a response to the RFP.

7. The requirement to specific bags for leaves is an addition expense for residents or will the City be providing such?

At the present time, there has not been any discussion relative to the City providing the bags for yard waste.

8. Did the City consider leaving the situation as-is and notifying residents that there will no longer be annual leaf pickup until further notice and they are responsible for their leaf disposal? Is the tree/leaf dump still available in spring, summer and early fall?

The tree dump is still available. The City Council and Administration discussed alternative options for leaf pickup, including having one or two locations in the City and requiring residents to bring the leaves to these locations. This was considered to be a major inconvenience for most residents. Also, many elderly and those without transportation would face a hardship in attempting to make arrangements to have the yard waste brought to designated sites.

9. Will the City be involved in billing & collection?

Billing and collection will be the sole responsibility of the contractor.

10. Concerns that residents complaints will not be taken seriously or addressed quickly because the hauler has a signed and enforceable "contract". Will the City assign staff (who are already spread thin) to handle complaints, if so, who?

Just as residents do now, trash hauling customers would continue to direct service complaints to the trash hauler. The Contractor will supply a person from the company to respond to complaints and act as a liaison to the City. In addition, a clause would be included in the contract that all service complaints be addressed within 48 hours. If the complaints are not resolved within that time, the resident may contact the City (Finance Dept., City Clerk and/or City Manager's office).

11. Will a public hearing be held to allow residents to express their opinions and ask additional questions? Notice of local newspaper?

This is up to the City Council.

12. Will this affect residents of Sheridan Township?

The contract is for residents within the City of Albion. There should not be any direct impact on Sheridan Township, with the exception of a decrease in illegal dumping, which should also be experienced in the City of Albion.