
Sec. 382.309. Determination of annual rate of compensation and measure of contract compensation.

- (a) Annually, not later than September 15, and after giving at least 15 days' notice of a public hearing by publication one time in a newspaper of general circulation in the City, the appropriate committee of the Council shall review the rate and measure of contract compensation to be paid by the City under the various contracts. The notice of public hearing shall include the date, time and place of the hearing and a general description of the matters to be heard by the Committee. The public hearing may be held jointly with the public hearing required by Section 382.302(a). In those years in which the annual rate of compensation is to be set by the use of the Consumer Price Index, as provided in subsection (b) of this Section, the Committee need not review the rate and measure of compensation unless specifically directed by the Council or unless the Mayor has informed the Council that, in his opinion, the use of the Consumer Price Index is inappropriate for that year.
- (b) Every three years, the Council shall determine the annual rate of compensation, for each contractor by conducting a full rate review. For the next two fiscal years, the annual rate of compensation shall be determined by adjusting the annual rate of compensation for the current fiscal year by a factor equal to 70 percent of the change in the Consumer Price Index for All Consumers for the twelve months ending May 31 of the current year, as determined by the Bureau of Statistics, United States Department of Labor. Disposal expense shall not be considered in the determination of annual rate of compensation and measure of contract compensation. If, for any year in which the Consumer Price Index for All Consumers is to be used to set the annual rate of compensation, the Mayor determines that the use of the Consumer Price Index is inappropriate, he shall so advise the Council not later than September 1, giving his reasons therefor, and a full rate review shall be held in accordance with this Section; and the Council may direct a full rate review in accordance with this Section even if the Mayor has not so advised the Council. In determining the annual rate of compensation, the Council shall consider the following factors:
 - (1) The number of residential premises in each service area as determined by the Director of Solid Waste and Resource Management.
 - (2) Reasonable necessary expenses incurred in operations.
 - (3) Projected operating expenses for the next ensuing fiscal year.
 - (4) A rate of return based upon the total operating expenses of the contractor before interest and state/federal corporate income taxes.
 - (5) Any other relevant factors, which may include an operating ratio of the contractor's operating expenses to gross revenue.
 - (6) The need for and amount of a contractor's reserve for any anticipated substantial increase in any major operation expenses, and any unused or insufficient reserve may be considered in the determination of compensation for the succeeding year.
 - (7) Recommendations of the Mayor.
 - (8) Recommendations of the Council Auditor.
- (c) Not later than September 30 annually, the Council shall adopt a resolution fixing the rate and measure of contract compensation to be paid to each contractor. The measure of contract compensation shall be determined by multiplying the number of residential and other premises to be served in each service area, as determined by the Director of Solid Waste and Resource Management, by the annual rate of compensation. The resolution fixing the rate and measure of contract compensation shall be effective from October 1 through September 30 of the following year.

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- (d) If the rate and measure of contract compensation for the following fiscal year is not fixed by the Council prior to October 1 of each fiscal year, the monthly payment to the contractors shall be computed using the rate of contract compensation for the preceding fiscal year. In the event that the rate and measure of contract compensation is fixed by the Council after October 1, the newly established rate and measure of contract compensation shall be deemed to have taken effect as of October 1 and any adjustments in compensation to the contractors shall be made in the next monthly payment following the time of the adoption of the new rate and measure of contract compensation by the Council.

(Ord. 76-728-373, § 7; Ord. 80-591-209, § 1; Ord. 82-832-412, § 2; Ord. 83-591-400, § 1; Ord. 90-286-97, § 3; Ord. 95-246-105, § 9; Ord. 98-53-E, § 3)

Note(s)—Former § 617.309.