

VILLAGE OF GILBERTS

ORDINANCE 11-2023

**AN ORDINANCE AMENDING THE VILLAGE CODE
REGARDING REFUSE COLLECTION AND DISPOSAL
FEES**

WHEREAS, the Village of Gilberts is an Illinois municipality operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, Section 11-19-1 of the Illinois Municipal Code authorizes the Village to contract with corporations for the collection and disposition of garbage and refuse (65 ILCS 5/11-19-1); and

WHEREAS, Subsection 4-2-1D of the Gilberts Village Code provides that the monthly user fee for residential refuse collection and disposal services shall be invoiced and payable on a bimonthly basis and the amount of such fee shall be set forth in the Village's Fee Schedule under Title 2, Chapter 4 of the Gilberts Village Code; and

WHEREAS, the Village desires to amend the monthly user fees for residential refuse collection and disposal services; and

WHEREAS, the Village President and Board of Trustees find that it is in the best interests of the Village and its residents to amend the Gilberts Village Code in accordance with this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Village Board of the Village of Gilberts, Kane County, Illinois, as follows:

SECTION 1. The foregoing recitals are hereby incorporated into this Ordinance as though fully set forth in this Section 1.

SECTION 2. AMENDMENT TO SUBSECTION 2-4-24 OF THE VILLAGE CODE. Subsection 2-4-24 of the Village Code "Refuse collection and disposal," of Chapter 4 "Fee Schedule," of the Gilberts Village Code is hereby be amended to read as follows (deletions in ~~strike through~~, additions in **bold** and underline):

"2-4-24. - Refuse collection and disposal.

A. *Residential Refuse Collection and Disposal User Fee.* Pursuant to subsection 4-2-1D of this code, a monthly user fee shall be imposed on all residential households, invoiced and payable on a bimonthly basis, in the amount set forth in the following schedule:

1. Fees.

Effective	Per Household Monthly User Fee
May 1, 2015 through April 30, 2018	\$26.00
May 1, 2018	27.00
<u>August 31, 2023 – December 31, 2024</u>	<u>\$21.00</u>
<u>January 1 – December 31, 2025</u>	<u>\$22.00</u>
<u>January 1 – December 31, 2026</u>	<u>\$23.00</u>
<u>January 1 – December 31, 2027</u>	<u>\$23.00</u>
<u>January 1 – December 31, 2028</u>	<u>\$24.00</u>

2. *Senior Discount.* The residential refuse collection and disposal user fee may be discounted by ten percent for any household where the head of the household is 65 years of age or older and/or disabled. Any eligible household may register with the village of Gilberts upon providing proof of the head of household's age and/or disability. The senior discount shall then be applied to the next and subsequent billing cycles.

3. *Late Payment Fee.* Ten percent of outstanding bill amount. Residents who are billed for garbage service only and have their service interrupted for nonpayment will be assessed a \$30.00 reinstatement fee.”

SECTION 3. SEVERABILITY. In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications shall remain in effect.

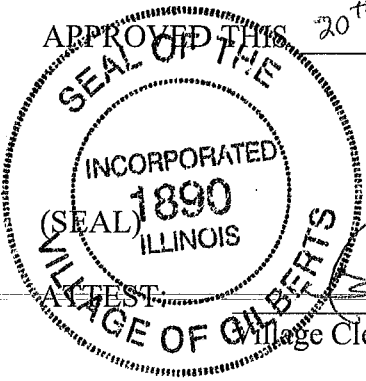
SECTION 4. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however that nothing in this Ordinance shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall only be effective upon the passage, approval, and publication in the manner required by law.

ADOPTED THIS 20th DAY OF June, 2023, pursuant to roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Robert Vanni	✓	_____	_____	_____
Trustee Frank Marino	✓	_____	_____	_____
Trustee Brandon Coats	✓	_____	_____	_____
Trustee Jeanne Allen	✓	_____	_____	_____
Trustee Robert Chapman	✓	_____	_____	_____
Trustee Justin Redfield	✓	_____	_____	_____
President Guy Zambetti	_____	_____	_____	_____

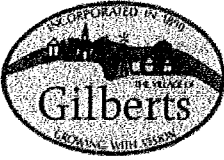
APPROVED THIS 20th DAY OF June, 2023



[Signature]
Village President, Guy Zambetti

ATTEST: [Signature]
Village Clerk,

Published: _____



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To: President Zambetti & Board of Trustees
From: Brian Bourdeau, Village Administrator
Date: June 20, 2023 Board Meeting
Re: Items 6.A-B: Residential Refuse, Recycling and Yard Waste Agreement

In 2011, the Village entered into a residential waste disposal agreement with MDC Environmental Services, Inc., for the period ending April 30, 2016. The agreement was extended in 2015 with a new term date of August 30, 2023. With the end of the current agreement approaching, on March 10, 2023, the Village issued a Residential Refuse, Recycling and Yard Waste Collection Request for Proposal (RFP). The RFP was largely modeled on maintaining the Village's existing collection program, including collection days and routes. In response, the Village received two responses, one from Waste Management which declined to submit a proposal and one responsive proposal from MDC Environmental Services, Inc. (MDC). MDC is the Village's current provider of residential refuse, recycling and yard waste collection services and their performance throughout the term of the current agreement has been satisfactory.

Included below are highlights of the new agreement:

- A) Unlimited Refuse and Recycling Collection. Includes a 95-gallon refuse cart for weekly collection and MDC will collect waste found outside the provided care when properly prepared (plastic container or bag not to exceed 33 gallons or 50 pounds in weight).
- B) Unlimited Yard Waste Collection. Yard waste will be collected weekly from April 1 – December 1 when properly placed in biodegradable paper bags or 32-gallon metal or plastic cans clearly identified for landscape waste only, neither of which should exceed 50 pounds. Brush and branches up to 6 inches must be bundled with twine in bundles not exceeding 4 feet in length and 2 feet in diameter.
- C) Fall Leaf Collection. Fall leaves will be collected from October 1 – December 15 each year at no additional cost, when properly bagged and placed for collection.
- D) Christmas Tree Collection. Included during the month of January.
- E) Bulk Items, Construction Debris & Oversized/Overweight Items. The unlimited refuse collection will include bulk items that one person can safely load into the collection vehicle (e.g. boxes, barrels, crates, furniture). Exceptions include items such as appliances, tires and car batteries that are banned from direct disposal into a landfill. Oversized/Overweight items are those, such as a piano, that require two or more people to lift. Such items will be collected at an additional cost and residents would be required to call MDC to schedule a pick-up of oversized/overweight items in advance.
- F) White Goods. White goods are defined as “any domestic and/or commercial large appliance which contains CFC or HCFC refrigerant gas, PCB containing capacitors, mercury switches, or other hazardous components. Examples include, but are not limited to, refrigerators, freezers, air conditioners, ranges (both electric and gas), dehumidifiers, water heaters, furnaces, ovens, humidifiers, water softeners, trash compactors, and other similar large appliances.” White goods will be collected at an additional cost and residents are required to schedule in advance with MDC.

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- G) Hours of Collection. Hours of collection are 7:00 a.m. – 4:00 p.m., Thursday and Friday. During the week of a holiday, including holidays which fall on a Sunday, each succeeding collection day following a holiday will be serviced one day behind the regular schedule. MDC observes the following holidays:
- a. New Year’s Day
 - b. Memorial Day
 - c. Independence Day
 - d. Labor Day
 - e. Thanksgiving Day
 - f. Christmas Day
- H) Customer Service. MDC staffs its customer service and operations office from 8:00 a.m. to 4:30 p.m., Monday through Friday. Under the proposed agreement, residents are asked to contact MDC directly with concerns about collections, missed collections, special pick-ups, and/or to request additional services/carts. In the case of alleged missed collections, MDC shall investigate, and, if such allegation is verified, shall make the collection within 24 hours after the complaint is received.
- I) Collection Rates. Rates are rounded to the next whole dollar for billing purposes.

Term	Monthly Rate
August 31, 2023 – December 31, 2024	\$21.00
January 1 – December 31, 2025	\$22.00
January 1 – December 31, 2026	\$23.00
January 1 – December 31, 2027	\$23.00
January 1 – August 31, 2028	\$24.00

Senior citizens will be provided a 10% discount where the head of household is 65 years of age or older and/or disabled with the Village determining eligibility.

Residents will continue being billed bi-monthly on Village utility bills. The expected rate will decrease from \$54.00 per utility bill to \$42.00 for refuse, recycling, and yard waste collection through December 2024 and thereafter at the rates indicated above.

- J) Special Events. MDC will provide port-o-lets and refuse/recycling containers for Village special events and at Village parks (including the new Conservancy Park 1) between April 1 and October 31.
- K) Informational Brochure. MDC, in consultation with the Village, will create, supply and maintain an informational brochure for Village distribution to inform residents of the collection program offered.
- L) Reporting. MDC is required to provide the Village bi-monthly reports of any complaints received along with the corrective action taken, and volume reports for refuse, recycling and yard waste.
- M) Invoicing and Franchise Fee. MDC shall invoice the Village on a monthly basis for the waste collection services. Further, MDC shall pay the Village a franchise fee in an amount equal to 5.0% of the base billings, payable on a quarterly basis.

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There are two Board actions related to the new agreement:

1. Approval of the Agreement with MDC; and
2. Amending the Village's Code as it relates to refuse collection and disposal rates.

Based upon an evaluation of the submitted RFPs, Village staff recommends approval of an agreement with RRD Holding Company (MDC Environmental Services, Inc.) for the provision of a residential waste, recycling and yard waste collection program for the period August 31, 2023 – August 31, 2028.