



## ITEM NO. 6

### INFORMATION FOR MEETING OF THE SUPERIOR BOARD OF TRUSTEES

**AGENDA ITEM NAME:** Ordinance – Amending Section 6-5-70 of the Superior Municipal Code to Update the Town’s Single Residential Waste Service Provider Area

**MEETING DATE:** September 23, 2024

**PRESENTED BY:** Matt Magley, Town Manager  
Nicholas Hartman, Town Attorney  
Alexis Bullen, Sustainability Manager  
Martin Toth, Assistant Town Manager

**PRESENTED FOR:** Action – Second Reading

#### **BACKGROUND:**

Updated information for Second Reading:

- Following up on a Board question from the First Reading discussion, HOAs are able to determine whether to remain on a single bill with all residents receiving the same service levels or move to individual accounts with differing service levels for each residence if the Pay-As-You-Throw service model is adopted.
- Staff has not yet received a reply from the Saddlebrook neighborhood HOA management firm regarding their current service levels, but they would be able to request the Board include their neighborhood in a future agreement or renewal and staff would negotiate this addition with the service provider.

*The information and attachments noted below remain unchanged from the September 9, 2024, Board Meeting materials.*

The Town began contracting through a third-party vendor to provide residential waste collection utility service in 2008. In order to initiate this service, the Town Board passed an Ordinance to establish the geographic location where the Town’s contracted vendor serves as the single provider in this service area. Prior to 2008, Superior residents entered into individual agreements with waste haulers to provide this service if they were

not part an HOA who collectively entered into an agreement for their members. Following reports at the time from residents of significantly increasing prices to provide individual service, the Town Board decided to manage a single-provider waste contract to take advantage of economies of scale and secure a more competitive rate. The 2008 Ordinance excluded three HOA-managed areas from the requirement – Rock Creek Ranch, The Summit at Rock Creek and Saddlebrooke. These areas have remained outside of the Town’s service area since the 2008 Ordinance was passed, and have continued to provide waste collection through their own contract process. Scheduled under this agenda item is Board consideration on first reading an Ordinance amending the Code to eliminate the exclusion of these HOA-managed areas from the Town’s single- service residential waste service provider area.

The Town Board has discussed various options for the Town’s waste collection contract, which terminates at the end of this year, and whether including these HOA-managed areas in the Town’s single-provider service area will potentially support policy goals established through the Town’s [Sustainability Action Plan](#), which was approved in 2022. In order to meet the Town’s climate goals and waste diversion goal of 65% residential single-family diversion from landfill by 2030, considering contract options to ensure year-round access to recycling and compost and transitioning to a Pay-As-You-Throw/volume-based model are primary tools to realize these standards.

The Colorado Revised Statutes (§ 30-15-401 [7.5]) established the statewide ability for local governments to require all residences, except multi-family residences of at least 8 units, to use a single provider as determined by the local government, or to impose a fee on the areas that choose not to utilize the single provider. Many municipalities in the region subsequently transitioned their waste collection utility to a single-service provider area, which has contributed significantly to meeting each community’s diversion and greenhouse gas goals, while providing more choice for individual customers and industry adoption of cleaner fuels for trucks including electric vehicles. Additionally, including more customers under one contract provides greater economies of scale, makes customer communication easier and more consistent across neighborhoods, and enhances ability to negotiate potentially beneficial contract provisions for the municipality such as reducing the cost of service through allowing recycling center materials rebates to be retained by the hauler. Different communities have taken different approaches to expanding their single-service provider area boundaries. Some communities, such as the City of Lafayette, have opted to charge a fee equivalent to their lowest level of waste service fees to each resident who chooses not to participate in Lafayette’s waste collection program.

If the Town Board chooses to eliminate the exclusion of the three neighborhoods from the Municipal Code’s single-service provider area through this Ordinance, the timeframe of the Town’s contract to assume provision of this service can be adjusted to start sooner. The Town Board has discussed waiting to initiate this until 2028 when the HOAs’ current agreement expires.

**RECOMMENDED ACTION:**

Approval of Ordinance.

**MOTION:**

Move to approve an Ordinance amending Section 6-5-70 of the Superior Municipal Code to Update the Town's Single Residential Waste Service Provider Area.

**ATTACHMENTS:**

- Ordinance
- Attorney Memo (Confidential)