

BY-LAWS  
OF THE  
SOLID WASTE RATE REVIEW COMMITTEE

Article I Name

This Committee, established by the Metropolitan Service District (Metro) Council, shall be known as the "Solid Waste Rate Review Committee." The Committee is established pursuant to Metro Ordinance No.

Article II Purposes

- A. To gather and analyze information necessary to recommend rates to be charged by solid waste facilities franchised by Metro.
- B. To recommend to the Executive Officer and to the Council rates which are just, fair, reasonable and sufficient to provide proper service to the public.
- C. To recommend to the Executive Officer and to the Council any modification of the District's rate setting methodology which would improve the rate setting process.

Article III Rate Criteria

- A. In recommending rates, the Committee shall give due consideration to the following:
  - Operating and non-operating revenues.
  - Direct and indirect operating and non-operating expenses including franchise fees.
  - Nonfranchise profits.
  - Reasonable return on investment exclusive of any capital investment in the franchise or any sum paid for the value of the franchise or any other intangible value.
  - Any other factor deemed relevant by the Council.
- B. The Committee may recommend uniform rates for some or all solid waste facilities or may recommend different rates based upon the factors specified in this section.

Article IV Membership of the Committee

- A. Membership shall include:
  - One Certified Public Accountant with expertise in cost accounting and program auditing.

- One Certified Public Accountant with expertise in the solid waste industry or public utility regulation.
- One local government administrator with expertise in governmental financing, agency budgeting and/or rate regulation.
- Two members of the public.

When selecting public members, preference shall be given to persons with knowledge of economics, public utility regulation and solid waste disposal.

- B. No representative or affiliate of the solid waste industry and no employee of the District shall serve on the Rate Review Committee.

#### Article V Appointment and Tenure

- A. The members of the Rate Review Committee shall be recommended by the Executive Officer and shall be appointed by the Metro Council.
- B. Upon initial appointment one of the public accountants, the local government administrator and one public member shall serve two-year terms. The other public member and public accountant shall serve one-year terms. Thereafter all members shall serve two-year terms.
- C. Absence unexcused by the Committee Chairperson from three consecutively scheduled meetings shall constitute removal of the member from the Committee.

#### Article VI Voting Privileges

Each member of the Committee shall be entitled to one vote. The member must be present when the vote is taken.

#### Article VII Meetings

- A. The Director of Solid Waste Department shall call the Solid Waste Rate Review Committee into session upon a rate adjustment request from a franchisee pursuant to Subsection 19(5)(b) of the Disposal Franchise Ordinance, or upon request of the Council or the Executive Officer.
- B. When the Committee is called into session it shall meet every two weeks, or more often if the Committee Chairperson determines more frequent meetings are necessary, until such time as the Committee's recommendations on proposed rates are finalized and forwarded to the Executive Officer and to the

Council. Meetings shall be held at Metro. The time of the meeting shall be scheduled to best accommodate the individual schedules of each Committee member.

- C. A majority of members constitute a quorum. The act of a majority of the members present at each meeting shall be the act of the Committee on all matters except on the final rate recommendation. The final rate recommendation must be approved by a majority of the total membership.
- D. All meetings shall be conducted in accordance with Roberts Rules of Order, Newly Revised unless otherwise provided herein.
- E. The Committee may establish other rules of procedure as deemed necessary for the conduct of business.

#### Article VIII Officers and Duties

The officers of the Committee shall be a Chairperson and Vice Chairperson and shall be elected by the members of the Committee.

The Chairperson shall preside at all meetings he/she attends and shall be responsible for the expeditious conduct of the Committee's business. The Vice Chairperson shall perform all duties of the Chairperson in his/her absence.

#### Article IX Administrative Support

Metro shall supply staff as necessary to record actions of the Committee and to handle Committee correspondence and public information concerning meeting times and places.

#### Article X Reporting Procedures

The Committee shall make its reports, findings and recommendations to the Executive Officer and Metro Council through its Chairperson.

#### Article XI Amendments

These By-laws may be amended or repealed only by the Metro Council.

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