

COPY

AN ORDINANCE APPROVING THE SECOND AMENDMENT TO REFUSE COLLECTION CONTRACT TO RAISE COLLECTION FEES TO INCLUDE RECYCLING FEES AS IMPOSED BY THE STATE OF COLORADO.

WHEREAS, the Town of Stratton (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law;

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Stratton, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof;

WHEREAS, the Town of Stratton and Triple H Enterprises, LLC desire to enter into a second amendment to that certain Refuse Collection Contract dated September 14, 2006 and subsequently amended on November 16, 2006, describing the terms and conditions of the agreement between the parties.

WHEREAS, the State of Colorado has imposed a user fee for the Recycling Resources Economic Opportunity Fund ("RREO Fund"), which fee is to be collected by the Contractor and paid to the state treasury.

BE IT ORDAINED BY THE BOARD OF TRUSTEE OF THE TOWN OF STRATTON, COLORADO:

Section 1. Purpose. The purpose of this ordinance is to raise the rates for trash collection pursuant to the above-referenced Refuse Collection Contract, as Amended.

Section 2. Adoption of Amendment. The Board of Trustees of the Town of Stratton has reviewed the Second Amendment to the Contract and with Triple H Enterprises, LLC for the collection and removal of refuse within the Town of Stratton. Said Second Amendment to the Contract is dated March 10, 2011. The Board of Trustees of the Town of Stratton hereby approves the aforementioned Second Amendment dated March 10, 2011 and authorizes the Mayor to sign the Second Amendment, and the Clerk to attest to his signature thereto, on behalf of the Town of Stratton. The Amendment will be attached to this Ordinance and be incorporated herein.

ORDINANCE - 2nd Amend trash.2011[1]

Section 3. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance and they shall remain in full force and effect, it being the intent that this Ordinance shall stand, notwithstanding the invalidated or unconstitutionality of any part thereof.

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Section 4. Immediate Effect. It is hereby declared that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health, peace, welfare and safety of the residents of the Town of Stratton, Colorado, and shall be in full force and effect after its passage and publication as provided for by law.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this 24 day of March, 2011.

Richard C Mann

Richard Mann, Mayor

Attest:

Maxine A. Rogers

Maxine A. Rogers, Town Clerk



[seal]

STATE OF COLORADO)

COUNTY OF KIT CARSON)ss. CLERK'S CERTIFICATE

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TOWN OF STRATTON)

I, Maxine A. Rogers, the official Town Clerk of the Town of Stratton, do by these presents say that the foregoing Ordinance No. 44 B was passed and adopted by a three-quarters majority of the Board of Trustees of the Town of Stratton on the 24th day of March, 2011, and that the above-entitled ordinance is true, correct and a full copy of the Ordinance as show in the records of the Town of Stratton, Colorado.

Dated this 25th day of March, 2011.

Maxine A. Rogers

Maxine A. Rogers, Town Clerk