

ORDINANCE NO. 17 OF 2019

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 26, ARTICLE V, DIVISION 10 OF THE CODE OF ORDINANCES, CITY OF SHREVEPORT, LOUISIANA, RELATIVE TO THE CREATION AND ESTABLISHMENT OF A SOLID WASTE ENTERPRISE FUND AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMEMBER JOHN NICKELSON

WHEREAS, the City is a duly incorporated municipal corporation operating under a pre-1974 home rule charter pursuant to [La. Const. Art. 6, § 4](#). A home rule charter established prior to 1974 is granted broader powers than those granted to home rule charters created subsequent to the adoption of the 1974 Louisiana Constitution. As such, City retains all of the powers it had pursuant to its pre-1974 Charter, so long as those powers are not inconsistent with the Louisiana Constitution or abridge the power of the State; and

WHEREAS, pursuant to [Shreveport City Charter Section 2.01](#), the City shall have a *general grant of power* and may exercise all of the powers, rights, privileges and immunities which could be conferred upon cities of its population class by the constitution and general laws of the state; and no enumeration of particular powers in the Charter shall be taken to be exclusive but shall be held to be an addition to this general grant of power; and

WHEREAS, pursuant to [Shreveport City Charter Section 2.02](#) (c), the City shall have powers to collect fees of such nature and amount and in such manner as is now and may hereafter be authorized and provided by the constitution and general laws of the state, and to expend the same for any municipal purpose except as the proceeds of such fees are allocated by law to some specific purpose; and

WHEREAS, pursuant to [Shreveport City Charter Section 2.04](#) (a) the City shall have powers to enact and enforce all necessary ordinances and regulations pertaining to public peace, safety, morals, health and welfare and pursuant to [Shreveport City Charter Section 2.04](#) (b) the City shall have powers to enact and enforce all necessary ordinances and regulations to protect and maintain both public and private property; and

WHEREAS, pursuant to [Shreveport City Charter Section 2.03\(q\)](#) the City shall have powers to collect and dispose of garbage and refuse; to acquire, maintain, own and operate facilities for the disposal of the same within and without the City; and regulate the business of scavengers; and

WHEREAS, the City of Shreveport currently does not charge a Solid Waste Collection Fee for the service of collecting garbage for its citizens; and

WHEREAS, the City of Shreveport currently pays approximately eight million four hundred eleven thousand dollars (≈ \$8,411,000) from the General Fund each year to provide the service of collecting solid waste; and

WHEREAS, the City of Shreveport finds it essential to the proper functioning of city government that it collect this Solid Waste Collection Fee from both residential and commercial customers to provide this service; and

WHEREAS, an establishment of a Solid Waste Enterprise Fund is an integral component of the City's solid waste management; and

WHEREAS, all funds received by the City from solid waste collections, landfill fees, recycling fees, bulk collection fees, other solid waste services, and from income earned on these funds shall be deposited in the Solid Waste Enterprise Fund; and

WHEREAS, the purpose of this fund shall be to dedicate the monies generated through the services listed above to fund solid waste operations and services. The monies deposited in this fund shall be used to pay the expenditures of solid waste operations.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana, in due, legal and regular session convened that the Code of Ordinances, City of Shreveport, Louisiana, are hereby revised to now read as follows:

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Chapter 26. – FINANCE

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ARTICLE V. – FUNDS

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DIVISION 9. STREETS SPECIAL REVENUE FUND

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Secs. 26-210.12 – 26.210.15. –Reserved

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DIVISION 10. SOLID WASTE ENTERPRISE FUND

Sec. 26.210.16. – Established; purpose

- (a) *Established.* A Solid Waste Enterprise Fund is established as an integral component of the City's solid waste management. All funds received by the City from solid waste collections, landfill fees, recycling fees, bulk collection fees, other solid waste services, and from income earned on these funds shall be deposited in the Solid Waste Enterprise Fund.
- (b) *Purpose.* The purpose of this fund shall be to dedicate the monies generated through the services listed in part (a) above to fund solid waste operations and services. The monies deposited in this fund shall be used to pay the expenditures of solid waste operations.

Sec. 26.210.17 – Administration; management

The Solid Waste Enterprise Fund shall be administered in accordance with the requirements of the City Charter relative to budgetary, accounting and other financial matters.

Sec. 26.210.18 – Procedures

It is the intent of this division that the Solid Waste Enterprise Fund shall be operated as a self-supporting business enterprise. To this end, the following procedures are prescribed:

- (1) *Billing and collecting.* All accounts and other records necessary for the collection of charges to be credited to the Solid Waste Enterprise Fund shall be maintained by and under the supervision of the director of finance.
- (2) *General accounts and annual statements.* The director of finance shall keep the general accounts of the Solid Waste Enterprise Fund in accordance with generally accepted principles of enterprise fund accounting. Expenditures shall be made in accordance with the adopted budget and shall be authorized in the same manner as expenditures from other funds or as provided in the approved management agreement. Within ninety (90) days after the close of each fiscal year, the director of finance shall prepare and submit to the City Council the following statements, in accordance with generally accepted principles of enterprise fund accounting:
- a. Balance sheet.
 - b. Statement of revenues, expenses and changes in retained earnings for the fiscal year.
 - c. Statement of changes in financial position.

(3) *Disposition of earnings.* Earnings from the Solid Waste Enterprise Fund shall be expended in accordance with the amounts appropriated by the City Council in the fund's annual budget ordinance. Any excess of expense over receipts shall be made up by appropriation from the General Fund to the Solid Waste Enterprise Fund. Should the fund be dissolved by the City Council, its assets shall revert to the General Fund of the City.

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BE IT FURTHER ORDAINED that the Mayor of the City of Shreveport, or his designee, shall be and is hereby authorized to do any and all things and to sign any and all documents in a form acceptable to the City Attorney, or her designee, necessary to effectuate the purposes set forth herein.

BE IT FURTHER ORDAINED that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective April 1, 2019.

THUS DONE AND ORDAINED by the City Council of the City of Shreveport, Louisiana.

APPROVED AS TO LEGAL FORM:

City Attorney's Office