

Solid Waste Transition Nears

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The transition to privatized solid waste services will begin April 7.

That's when Texas-based Inland Service will take over collection of trash and recyclables from the city's 20 full-time employees. Residents will now be required to take trash to the curb unless they've paid a \$150 premium service fee or have been approved for a medical exemption to continue at-the-door service.

Also as part of the transition, trash stickers have been reduced from \$3.10 to \$2.40 in addition to the \$30 annual fee.

There is a petition drive under way to place an initiative on the November ballot and give residents an opportunity to vote on the city's decision to privatize.

Mike Schadek, an attorney and local resident who is leading the petition drive, said volunteers have collected more than the 1,387 signatures required to place the initiative on the November ballot.

"We're going to continue to take signatures," he said. "Our goal is to get as many as we possibly can."

Schadek contends that the city will have to refund the \$30 fee to each resident if the initiative is successful.

"Citizens are outraged over the imposition of an annual fee, and the initiative requires that city council rebate the fee back to affected residents," he said.

City attorney Jeanine Amid Hummer said the city would not have to refund the \$30 fee because trash collection is an essential service for which the city has the right to enter into contract.

"There is a process in place already and the law supports the city's ability to contract with Inland Services," Hummer said. "Although you're legally permitted to put forward an initiative, it would be declared an unconstitutional interference with the city's ability to contract."

Shirley Mays, professor of local government law at Capital University Law School, said although she's not familiar with the specifics of the situation in Upper Arlington, she is unaware of similar cases in which a city was able to keep fees billed to residents for a service contract that was voided by a ballot initiative.

"When you have a fee, particularly one that's for a very specific purpose, I'm not sure what the basis would be for the city to keep that fee," Mays said. "It's not as though as if it was a general fee for the provision of services. It was a specific fee for trash collection. I don't see a basis for the city to be able to keep it."