

RESOLUTION NO. 2006-177

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AMENDING OPTIONS FOR CALCULATING
COMMERCIAL HAULER REFUSE FEES**

WHEREAS, the City Council of the City of Elk Grove adopted Ordinance No. 44-2005 on January 11, 2006, (the "**Ordinance**") that authorizes the City Council to establish **Commercial Hauler Refuse Fees** (as defined in the Ordinance) payable by **Commercial Haulers** (as defined in the Ordinance and Section 6.20.600 of the Elk Grove Municipal Code) from time to time by resolution, in accordance with the terms of the Ordinance; and

WHEREAS, the City Council further adopted implementing Resolution No. 2006-13, on January 25, 2006 (the "**Resolution**"), that sets the amount and manner of calculating Commercial Hauler Refuse Fees, which amount increases in conjunction with increased disposal of "Collected Tonnage" (as defined in the Resolution) of solid waste, or conversely, with decreased diversion of "Diversion Tonnage" (as defined in the Resolution) of solid waste from disposal; and

WHEREAS, pursuant to authority granted under Public Resources Code Section 40059, the City Council would like to amend the method of calculating Diversion Tonnage to allow commercial refuse haulers the option of choosing whether to measure Diversion Tonnage on a quarterly or 12-month basis.

NOW, THEREFORE, BE IT RESOLVED AND DIRECTED by the City Council of the City of Elk Grove:

(1) Resolution No. 2006-13 Amended. The third paragraph of Section (2) of the 2006 Resolution is repealed and replaced with the following text:

"Commercial Haulers will quarterly calculate their

- Diverted Tonnage (as defined in Section (4) of this Resolution),
 - Collected Tonnage (as defined in Section (5) of this Resolution) and
 - the percent of Collected Tonnage comprised of Diverted Tonnage,
- which calculations the City may corroborate in accordance with Section (6) of this Resolution.

At its option, a Commercial Hauler may base any or all of its quarterly calculation of Diverted Tonnage and Collected Tonnage on either

- that quarter, or
- the 12-month periods ending on the last day of that quarter.

For example, it may base its calculations on

- *the quarter commencing January 1, 2006 and ending March 31, 2006 or*

- *the 12-month period commencing April 1, 2005 and ending March 31, 2006.*

In conjunction with submitting its calculation to the City, a Commercial Hauler must indicate whether a quarter or 12-month period served as the basis of its calculation. If a Commercial Hauler chooses to base its calculation on a 12-month period beginning prior to January 2006, then it must provide Collection Tonnage and Diversion Tonnage satisfactory to City for the entire 9-month period from April 2005 – December 2005.

Commercial Haulers must pay the Commercial Refuse Hauler Fee monthly on the first day of

- the third month of the succeeding quarter and
- the first and second months of the next succeeding quarter.

For example, if a Commercial Hauler diverts not 30% but only 20.2% of Commercial/Industrial Solid Waste during any quarter (*for example, Jan 1 – March 31*), then on the first day of

- the third month of the succeeding quarter (*for example June 1*) and
- the first and second months of the next succeeding quarter (*for example, July 1 and August 1*),

the Commercial Hauler will pay City a Commercial Refuse Hauler Fee equal to 14% of the Commercial Hauler's Gross Receipts.

Note: for the first five months of this program (*for example, Jan 1 – May 31*) the Commercial Refuse Hauler Fee will remain at the historical 8 %, performance results be become effective on the sixth month of the program.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 28th day of June 2006.



Rick Soares

 RICK SOARES, MAYOR of the
 CITY OF ELK GROVE

ATTEST:

Peggy E. Jackson

 PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:
E. Luis Manzanetti

 ANTHONY B. MANZANETTI,
 CITY ATTORNEY


CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2006-177

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) **ss**
CITY OF ELK GROVE)

I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on June 28, 2006 by the following vote:

AYES 5 : COUNCILMEMBERS: Soares, Scherman, Briggs, Cooper, Leary
NOES : COUNCILMEMBERS: None
ABSTAIN : COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None





Peggy E. Jackson, City Clerk
City of Elk Grove, California