

RESOLUTION NO. 2003-148

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ESTABLISHING COMMERCIAL REFUSE HAULER FEES**

WHEREAS, the City Council of the City of Elk Grove adopted Ordinance No. 23-2003 on August 6, 2003, (the "Ordinance") which authorizes the City Council to establish fees from time to time by resolution, in accordance with the terms of the Ordinance, referred to in the Ordinance and this Resolution as "Commercial Refuse Hauler Fees". The City Council finds and declares that the Commercial Refuse Hauler Fees are established to fund costs, including without limitation, of:

- (1) Administration and enforcement of solid waste contracts, ordinances and the Elk Grove Municipal Code,
- (2) Implementation of solid waste programs required by law (including the City's Source Reduction and Recycling Element, Household Hazardous Waste Element and Non-Disposal Facility Element),
- (3) Mitigation of infrastructure impacts related to solid waste program implementation,
- (4) Protecting and promoting the public health and welfare with respect to solid waste, including without limitation, putrescible wastes that may attract vectors, vermin and otherwise comprise a nuisance, and
- (5) Any other costs incurred by the City in accordance with law.

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

(1) Commercial Hauler Refuse Fee. The City is by this Resolution authorized to charge and collect from each Commercial Hauler the Commercial Refuse Hauler Fees in an amount equal to 8% of the Gross Receipts of the Commercial Hauler, in accordance with the terms of the Ordinance.

(2) Calculation and example. Calculation of the Commercial Refuse Hauler Fees will be truncated at 4 decimal places. Fractions less than \$0.01 will not be rounded up to the next \$0.01.

Should Commercial Haulers choose to include amounts equal to the Commercial Refuse Hauler Fee in customer service charges, an example calculation of a hypothetical invoice for a customer service charge of \$500, follows:

Commercial Hauler's customer service charge + [Commercial Hauler's customer service charge X Commercial Refuse Hauler Fee %] / [100% + Commercial Refuse Hauler Fee %] = amount Commercial Hauler invoices customer

$\$500 + [500 \times 8\%] / [100\% + 8\%] = \text{amount Commercial Hauler invoices customer}$
 $\$500 + \$40 / 1.08 = \text{amount Commercial Hauler invoices customer}$
 $\$540.00 = \text{amount Commercial Hauler invoices customer}$

In this example, the amount of Commercial Refuse Hauler Fees that Commercial Hauler pays to the City would be as follows:

$[\$540.00 - \$40] \times 8\% = \$40.00$

This example is provided only as a guide and does not obligate Commercial Haulers to include Commercial Refuse Hauler Fees in their customer service charges. How Commercial Haulers collect their Commercial Refuse Hauler Fees is the decision of the Commercial Hauler as may be agreed between the Commercial Haulers and their customers.

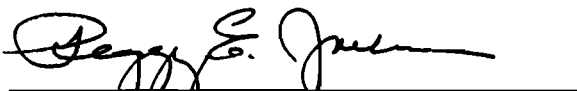
(3) Definitions. Capitalized terms used in this Resolution have the meaning defined in the Ordinance.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 6th day of August 2003.



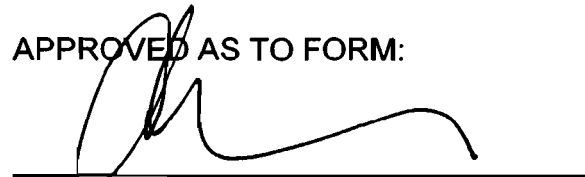
SOPHIA SCHERMAN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



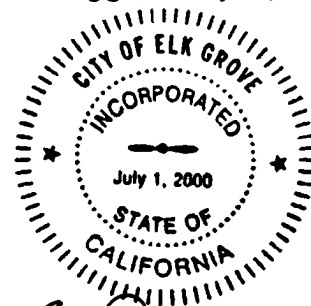
ANTHONY B. MANZANETTI,
CITY ATTORNEY


**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2003-148**

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 the 6th day of August, 2003 by the following roll call vote:

AYES: 5 COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary
NOES: 0 COUNCILMEMBERS:
ABSTAIN: 0 COUNCILMEMBERS:
ABSENT: 0 COUNCILMEMBERS:





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