

## **RESOLUTION NO. 2004-11**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE ESTABLISHING RESIDENTIAL HAULER FRANCHISE 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 "Residential Hauler Franchise Fees". The City Council finds and declares that the Residential Hauler Franchise Fees are established to fund the City's integrated waste management programs as they may be adopted and amended from time to time, including, without limitation:

- (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.

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

**(1) Residential Hauler Franchise Fee.** The City is by this Resolution authorized to charge and collect from each Residential Hauler the Residential Hauler Franchise Fees in an amount equal to 6% of the Gross Receipts of the Residential Hauler, in accordance with the terms of the Ordinance.

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

An example calculation for Franchisee Gross Receipts compensation of \$14.48 and 6% Residential Hauler Franchise Fee follows:

Franchisee's Gross Receipts compensation / [100% - Residential Hauler Franchise Fee%] = customer rate  
\$14.48 / [100% - 6%] = customer rate  
\$14.48 / 0.94 = customer rate  
\$15.40 = customer rate

In this example, the amount of Residential Hauler Franchise Fee that the City could withhold from payment of compensation to Franchisee in satisfaction of Franchisee's obligation to pay Residential Hauler Franchise Fee would be as follows:

\$15.40 X 6% = \$.92

**(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 21st day of January 2004.

  
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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. 2004-11**

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

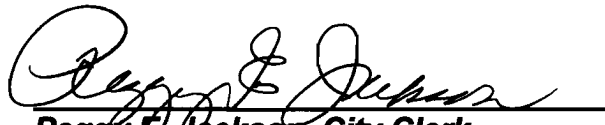
***I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 21<sup>st</sup> day of January 2004 by the following 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**