
C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE
DECEMBER 6, 1989

SUBJECT: GATE FEE INCREASE - HARNEY LANE LANDFILL (14750 EAST HARNEY LANE)

PREPARED BY: Assistant City Manager

RECOMMENDED ACTION: The City Council impose an additional surcharge on refuse bills of 1.3%. These sums will be placrd in the Refuse Surcharge Fund. Council is further requested to authorize expenditures from that Fund to reimburse Sanitary City Disposal Co. for additional dump charges. The totai surcharge will then be 3%.

BACKGROUND INFORMATION: The San Joaquin County Board of Supervisors held a public hearing on November 28, 1989 to consider increasing the gate fee at various disposal sites. County staff's recommendation is that the fee be increased by \$1.51 per ton.

That increase is made up of two components: An \$0.88 per ton increase for the operation of Harney Lane Landfill, and a \$0.63 per ton increase to comply with the provisions of Assembly Bill 939. AB 939 created the California Integrated Waste Management Act of 1989. Among other things, this Act requires landfill operators to pay a fee to the State of California of \$0.50 per ton on waste received at landfills on or after January 1, 1990. The fee will be increased to \$0.75 per ton on July 1, 1990, and then may be increased to \$1.00 after July 1, 1991. The purpose of the fee is to provide funding to State agencies to carry out their responsibilities under the Act.

We hsve invited members of the County staff to attend a shirtsleeve session to provide Council with additional information regarding AB 939. This meeting has been scheduled for January 16, 1990.

San Joaquin County, as operator of Harney Lane Landfill, is required to pay the costs mandated by AB 939, and naturally, are passing these costs on to the users of the landfill. County staff's recommendation is that the fee be set at \$0.63 per ton and then not raise fees again until January 1991. The City Manager has appeared before the County Board of Supervisors, asking that the fee of \$0.50 be put into effect on January 1, 1990 and then raised again on July 1, 1990. The Board did not seem to be taken with this idea, and appears to be leaning toward the \$0.63 surcharge. However, they have postponed action on this until Tuesday, December 5, 1989.

Assuming that the fee of \$1.51 per ton, or any fee, is implemented, we have an obligation to Sanitary City Disposal Co. to pay them the additional costs. Last year, the State imposed a \$1.00 per ton fee on waste taken to the landfill. At that time, it was agreed a 1.7% surcharge would be added to all refuse bills. This is the equivalent of 50.12 on a single can. That figure has proven to be more than enough to pay the \$1.00 per ton fee.

In order to recapture the additional cost, the Council has a number of options:

Option 1) Impose no additional fee and absorb the additional cost from the General Fund.

Option 2) Do not increase the fee until July 1990, and then add a 2.12% surcharge to all refuse bills.

Option 3) Place an additional surcharge of 2.55% on all customers, making the total surcharge 4.25%.

Staff cannot in good conscience recommend any of these options for the following reasons:

Option 1) This violates the concept of user pays and would require a subsidy from the General Fund

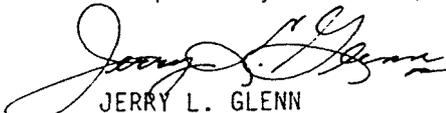
Option 2) This would deplete entirely, any surpluses in the Refuse Surcharge Fund. Any change in the type materials in the waste stream could adversely affect the cash flow. Also, we do not have a long enough track record to recommend cutting the income this fine.

Option 3) We know that the 1.7% generates too much money, and this recommendation would increase the surplus in that Fund more than it presently is accruing.

It would seem the most prudent action would be to leave the 1.7% in place, and add an additional 1.3% on all accounts. The latter figures more closely approximate what the actual cost will be. The total cost would then be 3% on all accounts, which is equivalent to \$0.21 per can on a residential bill.

Under the Act, the City of Lodi has a number of responsibilities which are not reimbursable by the State. The Act states that those additional costs are reimbursable through user fees. By implementing staff's recommendation, some dollars will continue to accumulate to cover at least a portion of the unknown additional costs. Council is respectfully requested to adopt the attached ordinance, adding an additional 1.3% to the already in place 1.7% surcharge for dump fees.

Respectfully submitted,



JERRY L. GLENN
Assistant City Manager

attachment



Dear Mr. Peterson:

Enclosed please find a copy of a letter from the County of San Joaquin, Public Works Department concerning a possible \$1.51 per ton increase in the dump fees effective January 1, 1990.

Pursuant to our contract with the City of Lodi, under Section 25, titled Collection Rates, "The contractor will be entitled to a rate adjustment immediately based on any dump fee adjustment". As we discussed on Tuesday, November 7, 1989, it will be necessary to bring this matter before the Lodi City Council, if this increase is approved by the San Joaquin Board of Supervisors.

I would certainly wish to discuss the impact on the rate prior to submission to the Council for final approval. Please contact me at your earliest convenience so that we may further discuss this matter and its impacts upon the rates.

Sincerely

A handwritten signature in cursive script, appearing to read "David Vaccarezza", is written over the typed name and title.

David Vaccarezza
President

DV:tgs

Enclosure as indicated above.

cc: Mr. Jerry Glenn, Assistant City Manager
Ms. Alice M. Reimche, City Clerk

harneyln:jtr **sanitary city disposal inc.**



HENRY M. HIRATA
DIRECTOR

COUNTY OF SAN JOAQUIN
DEPARTMENT OF PUBLIC WORKS
P O BOX 1810 - 1810 E HAZELTON AVENUE
STOCKTON CALIFORNIA 95201
(209) 468-3000

EUGENE DELUCCHI
CHIEF DEPUTY DIRECTOR

THOMAS R. FLINN
DEPUTY DIRECTOR

MANUEL LOPEZ
DEPUTY DIRECTOR

RICHARD C. PAYNE
DEPUTY DIRECTOR

October 25, 1989

RECEIVED
OCT 27 1989
AM 9:00

David Vaccarezza
President
SanCo Disposal Service
P.O. Box 319
Lodi, California 95241

Subject: GATE FEE INCREASES - HARNEY LANE SANITARY LANDFILL,
FOOTHILL SANITARY LANDFILL
LOVELACE TRANSFER STATION

Dear Mr. Vaccarezza:

The San Joaquin County Board of Supervisors on November 28, 1989, at 10:30 a.m. will hold a Public Hearing to consider increasing the gate fees for the above disposal sites effective January 1, 1990. In addition, the Board will also consider adjusting the residential refuse collection rates for county Refuse Service Areas B, C, D and E.

The reasons for the increase, and the amount, are addressed in the attached Department of Public Works Staff Report.

If you have any questions, please contact Jaime Perez of my staff at 468-3066.

Sincerely,


Tom Horton

Solid Waste Manager

TH:JLP
MI13451

Attachment



HENRY M. HIRATA
DIRECTOR

COUNTY OF SAN JOAQUIN
DEPARTMENT OF PUBLIC WORKS
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GATE FEE INCREASE FOR THE HARNEY LANE AND FOOTHILL SANITARY
LANDFILLS, AND THE LOVELACE TRANSFER STATION;

AND

RESIDENTIAL RATE INCREASE FOR REFUSE SERVICE AREAS
B, C, D, AND E

DEPARTMENT OF PUBLIC WORKS

STAFF REPORT

(ALL SUPERVISORIAL DISTRICTS)

OCTOBER 24, 1989

FOR NOVEMBER 28, 1989 PUBLIC HEARING

IT IS RECOMMENDED:

That the Board of Supervisors:

1. Authorize, by Resolution, the adjustment of disposal site gate fees effective January 1, 1990, as shown in Attachment A.
2. Approve, by Board Order, the adjustment of residential refuse collection rates effective **January 1, 1990**, as shown in Attachment B.

REASONS FOR RECOMMENDATIONS:

BACKGROUND

The Solid Waste Enterprise Fund is the funding mechanism for the following activities performed by the Department of Public Works Solid Waste Division:

1. Field Operation

Operation of the Lovelace Transfer Station which receives 114,000 tons of waste and handles over 113,000 transactions annually; and, operation of eight Transfer Vehicles which collectively accumulate over **500,000** miles annually transferring waste to the Foothill Sanitary Landfill.

Operation of the Harney Lane Sanitary Landfill which receives 125,000 **tons** of waste and handles approximately **80,000** transactions annually.

2. Solid Waste Engineering

Provides engineering services for the design, development, operation, permitting, and closure of County disposal sites, including the proposed North County Sanitary Landfill, and the Foothill and Corral Hollow Sanitary Landfills. These services are performed by Division and other Departmental staff, and by private consultants working under contracts with the county.

3. Solid Waste Planning

Preparation of various State mandated plans, including the County Integrated Solid Waste Management Plan, and the County Hazardous Waste Management Plan. These functions are performed by Division staff and private consultants.

4. Administration

Operation of the Solid Waste office which includes the following functions:

Accounting, billing, cash handling, personnel and payroll records, hiring and training of personnel, employee evaluation and disciplinary activities, data collection, preparation of studies and reports, administration of refuse collection contracts and refuse collection licenses, budget preparation and administration, providing staff services for the Solid Waste Policy Committee and the Solid Waste Hearing Panel, handling requests from the public, review of proposed and adopted legislation, and development of new solid waste projects and programs.

Coupled with the above workload, is the fact that over the past four years there has been a growing concern among State legislators and State regulatory agencies that sanitary landfills be designed, developed, operated, and closed properly, to provide the maximum protection to State's natural resources. As a result, there has been a proliferation of new legislation which has significantly impacted the amount of money, time, and effort spent on solid waste planning.

The State Water Resources Board made extensive revisions to Subchapter 15 in 1984, which significantly impacted landfill costs. Since then, several new Assembly Bills, such as the Calderon and Eastin Bills, have been enacted which also impacted landfill costs significantly. Recently, the California Waste Management Board adopted new regulations which not only place more stringent restrictions on the operation of landfills, but also

requires additional engineering reports and studies.

Another significant piece of solid waste legislation, Assembly Bill 939, was signed by Governor Deukmejian on September 29, 1989. This legislation significantly increases the cost of developing and operating sanitary landfills, and the cost to provide proper solid waste management activities within the County. It also levies a surcharge at all landfills in California. The impact of AB 939 on gate fees charged at County disposal sites is addressed later in this report.

The end result of all the above legislative and regulatory efforts is that more resources must be allocated to solid waste planning, and engineers must spend more time in the design, development, and operation of landfills.

However, regardless of all the above legislation, it is the Department of Public Works' position that County disposal sites be operated in a manner which does not compromise the County's quality of life, land, air, or the groundwater. To do so, requires the commitment of sufficient human and capital resources. Therefore, most of the studies and reports required by the above legislation would have been performed by the Department of Public Works without legislative request.

ASSEMBLY BILL 939

Assembly Bill 939, in part, requires landfill operators to pay a fee quarterly to the State Board of Equalization based on all solid waste disposed of at each disposal site on or after January 1, 1990. The purpose of this surcharge is to provide funding to State agencies for the administration of AB 939.

Initially the fee is to be set at \$0.50 per ton of waste disposed of during the period of January 1, 1990, through June 30, 1990. The fee for waste disposed of during the period of July 1, 1990, through June 30, 1991, will be determined by the California Integrated Waste Management Board but will not exceed \$0.75 per ton. The fee may be increased up to \$1.00 per ton after July 1, 1991. This fee is in addition to the surcharge established by the Eastin Bill 2448 which became effective on January 1, 1989.

The Solid Waste Enterprise Fund's major source of revenue is gate fees charged at County operated or controlled disposal sites. The County of San Joaquin, as operator of the Harney Lane Sanitary Landfill and the Lovelace Transfer Station, and due to its contractual obligations with the Foothill and Corral Hollow Sanitary Landfill operations, is required to pay the fee mandated by AB 939. Therefore, the gate fees charged at these sites will need to be increased accordingly.

The Department of Public Works recommends that the AB 939 surcharge

be set at **\$0.63/ton** effective January 1, 1990. By doing so, the gate fees will not require adjustment in July 1990 when the fee is increased from \$0.50 to \$0.75.

This report addresses only the gate fee adjustments required for the Harney Lane and Foothill Sanitary Landfills, and the Lovelace Transfer Station. The gate fee adjustment for the Corral Hollow Sanitary Landfill will be presented to the Board of Supervisors at a later date.

1989-90 SOLID WASTE ENTERPRISE FUND BUDGET

The 1989-90 Solid Waste Enterprise Fund Budget, approved by the Board of Supervisors, included a recommendation for a 6% rate increase, effective January 1, 1990, in the gate fees charged at the Harney Lane and Foothill Sanitary Landfills, and the Lovelace Transfer Station. This increase is primarily needed to offset the costs associated with performing State mandated studies and reports. Without the 6% adjustment, the Solid Waste Enterprise Fund would experience a deficit of approximately \$295,000.00 during FY 89-90.

GATE FEES - HARNEY LANE AND FOOTHILL SANITARY LANDFILLS

As a result of the required 6% increase in gate fees and the surcharge required by **AB 939**, the current gate fees at the Harney Lane and Foothill Sanitary Landfills need to be adjusted as follows effective January 1, 1990:

<u>Minimum Fees</u>	<u>CURRENT Fees</u>	<u>6%</u>	<u>AB 939 Surcharge</u>	<u>TOTAL</u>	<u>Proposed Fees</u>
Automobiles	\$ 2.00	\$ 0.12	\$ 0.13	\$ 2.25	\$ 2.25
Compact PU Trucks	3.00	0.18	0.13	3.31	3.25
Large PU Trucks	4.00	0.24	0.26	4.50	4.50
Trailers < 8 Feet	4.00	0.24	0.26	4.50	4.50
Passenger Vans	4.00	0.24	0.26	4.50	4.50
MEASURED/WEIGHED LOADS					
Cubic Yard Rate	2.70	0.17	0.13	3.00	<u>3.00</u>
Ton Rate	14.60	0.88	<u>0.63</u>	16.11	<u>(16.11)</u>

Note that minimum fees have been rounded to facilitate making change for these types of vehicles. Most of the per ton fees are paid by prepaid deposit type transactions which are calculated and billed by the computer system. Therefore, making change is not a problem for transactions based on cubic yards or tons.

It should also be noted that the current minimum fees have been in effect since September, 1987 and were not raised during the rate increase of January 1, 1989.

GATE FEES - LOVELACE TRANSFER STATION

The Department of Public Works recommends that the Lovelace Transfer Station's portion of the Foothill Sanitary Landfill AB 939 surcharge be funded by a surcharge of \$0.63 per ton or \$0.13 per cubic yard on all weighed or measured waste arriving at the transfer station. Coupled with the required 6% increase in the gate fees, the following transfer station gate fees would result effective January 1, 1990:

<u>Minimum Fees:</u>	<u>CURRENT</u>		<u>AB 939</u>	<u>TOTAL</u>	<u>Proposed</u>
	<u>Fees</u>	<u>6%</u>	<u>Surcharge</u>		<u>Fees</u>
Automobiles	\$ 3.00	\$ 0.18	\$ 0.13	\$ 3.31	\$ 3.25
Compact PU Trucks	4.00	0.24	0.13	4.37	4.25
Large PU Trucks	5.00	0.30	0.26	5.56	5.50
Trailers < 8 Feet	5.00	0.30	0.26	5.56	5.50
Passenger Vans	5.00	0.30	0.26	5.56	5.50
<u>WEIGHED/MEASURED LOADS</u>					
Cubic Yard Rate	4.90	0.30	0.13	5.33	5.33
Ton Rate	22.45	1.35	0.63	24.43	24.43

Note that minimum fees have been rounded to facilitate making change for these types of vehicles. Most of the cubic yard and per ton fees are paid by prepaid deposit type transactions which are calculated and billed by the computer system. Therefore, making change is not a problem for this type of transaction.

It should also be noted that the current minimum fees have been in effect since September, 1987 and were not raised during the rate increase of January 1, 1989.

TIRES

The proper disposal of tires at sanitary landfills requires special handling procedures, which create extra operational costs. Consequently, special handling fees are charged at County disposal sites for disposal of tires. The current fees are as follows:

<u>TIRE TYPE</u>	<u>LOVELACE</u>	<u>FOOTHILL</u>	<u>HARNEY LANE</u>
Automobile	\$ 0.50	\$ 0.25	\$ 0.50
Truck	1.00	0.50	1.00

Automobile and truck tires are unique in that they may be recycled, and recycling markets do exist. However, the markets are not willing to pay for the tires at this time. Instead, the markets charge about \$0.55 and \$3.00 to pick up and recycle automobile and truck tires. Therefore, a tire recycling project is not economical at county disposal sites. Nevertheless, AB 939 requires extensive recycling, regardless of the economics.

Although AB 939 recycling requirements will not become effective

immediately, the County should begin to develop recycling programs which are practical, even if not economical. Public Works recommends that tires be recycled at county disposal sites and that the cost of the recycling program be paid through an increase in special handling fees for tires. Recommended special handling fees are as follows:

<u>TIRE TYPE</u>	<u>LOVELACE</u>	<u>FOOTHILL</u>	<u>HARNEY LANE</u>
Automobile	\$ 1.00	\$ 1.00	\$ 1.00
Truck	3.00	3.00	3.00

RESIDENTIAL REFUSE COLLECTION RATES

On October 4, 1988, the Board of Supervisors approved amendments to the exclusive refuse collection contracts for the six Refuse Service Areas. Section 22, in part, of the amended contracts establishes that:

"When disposal site gate fees are adjusted by the COUNTY, residential refuse collection rates shall be adjusted by multiplying the amount of the per ton gate fee increase by 0.12 and rounded to the nearest one cent, to arrive at the amount of the residential rate increase allowed per month per 35 gallon can service, and proportionately for multiples of 35 gallons."

Therefore, if the Board of Supervisors approves the recommended gate fee increases for the Harney Lane and Foothill Sanitary Landfills, and the Lovelace Transfer Station, then, effective January 1, 1990, the residential refuse collection rates must be adjusted as follows:

<u>Refuse Area</u>	<u>Collector</u>	<u>Type of Service</u>	<u>Current Rate</u>	<u>Increase Per Can</u>	<u>New Rate</u>
B	Sanco	First Can	\$7.68	\$0.18	\$7.86
		Add. Can	4.38	0.18	4.56
C	Sunset	Curbside			
		First Can	6.20	0.24	6.44
		Add. Can	4.25	0.24	4.49
		90 Gallon Container	12.41	0.62	13.03
		Backyard			
		First Can	7.20	0.24	7.44
		Add. Can	5.00	0.24	5.24
D	Gilton	First Can	6.55	0.24	6.79
		Add. Can	4.20	0.24	4.44
E	Philco	First Can	5.90	0.24	6.14
		Add. Can	3.20	0.24	3.44

The increased gate fees may require adjustments in commercial and industrial waste collection rates as well. However, the Board of Supervisors does not regulate commercial and industrial refuse collection fees. The setting of these fees is handled privately between the collectors and their customers.

FISCAL IKPACT

Adoption of the proposed gate fees would result in negligible costs to the County. However, if the recommendations are not edopted, the County would need to fund the AB 939 surcharge and the operating deficit which would result during FY 89-90 from other sources. These costs are estimated as follows for FY 89-90:

*State Surcharge -Harney Lane Landfill.....	\$ 31,250.00
*State Surcharge -Foothill Landfill.....	3,375.00
*State Surcharge- Lovelace Transfer Station.....	28,500.00
Operating deficit.....	<u>295,000.00</u>
Total Required Funds	\$358,125.00

*State Surcharge = \$0.50 per ton, for the period of January 1, 1990, through June 30, 1990.

The estimated cost to perform recycling of tires is as follows:

Handling costs	\$ 7,200
Recycler Fees	<u>29,300</u>
Total Estimated Costs	\$36,500
Less Estimated Gate Fee Revenue	<u>36,200</u>
Balcnce to be Paid by SWEF	\$ 300

Adoption of the per ton gate fee adjustments would also require adjusting the residential refuse collection rates in four County Refuse Service Areas. These adjustments would have no impact on costs or net revenues to the franchised refuse collectors in that the additional revenues would be paid to the County in the form of higher gate fees.

SUMMARY

Assembly Bill 939 created the California Integrated Waste Management Act of 1989 (ACT). This ACT requires landfill operators to pay to the State a fee of \$0.50 per ton based on the amount of waste received at landfills on or after January 1, 1990. The fee could increase up to \$0.75 per ton after July 1, 1990. The purpose of the fee is to provide funding to State agencies for the administration of the ACT.

The County, as operator of the Harney Lane Landfill and as a result of its contractual obligations with the Foothill landfill, is required to pay the fee mandated by AB 939. Therefore, it is recommended that a surcharge be placed on disposal site fees charged at the Harney Lane and Foothill Sanitary Landfills, and the

Lovelace Transfer Station to pay the fee required by AB 939.

In addition to the fee required by the ACT, the 1989-90 Solid Waste Enterprise Fund budget included a recommendation to increase, by 6%, the current gate fees charged at County disposal sites. Without the 6% increase, to offset higher operating costs, a deficit of about \$295,000.00 would occur.

The County's Solid Waste Enterprise Fund achieved self supporting status during FY 1985-86 and has maintained this status since then. Adjustment of the current gate fees is required, effective January 1, 1989, to fund the fee mandated by AB 939 and to offset higher operating costs. Without the recommended gate fee adjustment, the self supporting status of the SWEF would be jeopardized, and other sources of funds would be required to cover any subsequent deficits.

ACTION FOLLOWING APPROVAL

If the recommendations are approved by the Board of Supervisors, the Department of Public Works will:

1. Begin collecting and depositing the adjusted gate fees into the Solid Waste Enterprise Fund effective January 1, 1990.
2. Pay to the State Board of Equalization, on a quarterly basis, the fee mandated by AB 939.
3. Coordinate with the franchised collectors for Refuse Service Areas B, C, D, and E, the mailing of notifications to their customers advising them of the new residential rates. The notices are to be sent at least two weeks prior to the effective date of the new rates, January 1, 1989.
4. Prepare and distribute notices regarding the new gate fees to customers at the Harney Lane and Foothill Sanitary Landfill, and the Lovelace Transfer Station.
5. Develop and place into operation a tire recycling program for County disposal facilities.

r:\TOM\STAFFREP\GATFEE90

ATTACHMENT A

GATE FEES - HARNEY LANE AND FOOTHILL SANITARY LANDFILLS

MINIMUM FEES:	Current <u>Fees</u>	<u>Increase</u>	Proposed <u>Fees</u>
Automobiles	\$ 2.00	\$0.25	\$ 2.25
Compact PU Trucks	3.00	0.25	3.25
Large PU Trucks	4.00	0.50	4.50
Trailers < 8 Feet	4.00	0.50	4.50
Passenger Vans	4.00	0.50	4.50

MEASURED/WEIGHED LOADS

Per Cubic Yard Rate	2.70	0.30	3.00
*Per Ton Rate	14.00	1.51	16.11

TIRES

Automobile	0.25 & 0.50	.75 & .50	1.00
Truck	0.50 & 1.00	2.50 & 2.00	3.00

*Applicable to the Harney Lane Landfill only as the Foothill Landfill does not have scales.

GATE FEES - LOVELACE TRANSFER STATION

MINIMUM FEES:	Current <u>fees</u>	<u>Increase</u>	Proposed <u>Fees</u>
Automobiles	\$ 3.00	\$0.25	\$ 3.25
Compact PU Trucks	4.00	0.25	4.25
Large PU Trucks	5.00	0.50	5.50
Trailers < 8 Feet	5.00	0.50	5.50
Passenger Vans	5.00	0.50	5.50

WEIGHED/MEASURED LOADS

Per Cubic Yard Rate	4.90	0.43	5.33
Per Ton Rate	22.45	1.98	24.43

TIRES

Automobile	0.50	0.50	1.00
Truck	1.00	2.00	3.00

ATTACHMENT B

RESIDENTIAL REFUSE COLLECTION RATES

<u>Refuse Area</u>	<u>Collector</u>	<u>Type of Service</u>	<u>Current Rate</u>	<u>Increase Per Can</u>	<u>New Rate</u>
B	Sanco	First Can	\$7.68	\$0.18	\$7.86
		Add. Can	4.38	0.18	4.56
C	Sunset	Curbside			
		First can	6.20	0.24	6.44
		Add, Can	4.25	0.24	4.49
		90 Gallon container	12.41	0.62	13.03
		Backyard			
		First Can	7.20	0.24	7.44
		Add. Can	5.00	0.24	5.24
D	Giltan	First can	6.55	0.24	6.79
		Add. Can	4-20	0.24	4.44
E	Philco	First Can	5.90	0.24	6.14
		Add. Can	3.20	0.24	3.44



State of California
GOVERNOR'S OFFICE
OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET
SACRAMENTO 95814

GEORGE DEUKMEJIAN
GOVERNOR

November 7, 1989

Honorable John R. Snider
Mayor, City of Lodi
221 West Pine Street
Call Box 3006
Lodi, CA 95241-1910

Dear Mayor Snider:

Thank you for your letter concerning the City of Stockton general plan extension. We appreciated having your comments during our review of Stockton's extension request.

As you know, the City of Stockton submitted an application for a second general plan extension. The materials submitted demonstrated that the city has made substantial progress toward the completion of its revised general plan, thus meeting the requirements for a second extension.

Although the city sought an additional full year, the general plan revision schedule and city staff indicated that the city plans to adopt the revised general plan in mid January. It has been our experience with other extensions, that the schedule for adoption of the revised general plan is sometimes adjusted and extended. This could be due to the need to obtain more information for the decision makers, to accommodate additional public hearings, or other valid reasons.

OPR expects all jurisdictions which obtain an extension, to make a good faith effort to complete the revision of their general plans in a timely fashion. In reviewing Stockton's extension request we considered several things: the city's schedule for adoption of the general plan, the possibility of unanticipated delays, and the fact that OPR cannot grant a third extension of time to the city. Ultimately, we granted a second extension to the City of Stockton for a six month period. Enclosed is a copy of the city's extension letter.

*My message
the letter
immediately the letter
the letter*

Honorable John R. Snider
Page 2

Again, I appreciate your taking the time to contact us. If I can provide additional information, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robin Wright".

Robin Wright
Ceputy Director

cc: John Carlson
Stockton Community
Development Director



State of California

GOVERNORS OFFICE
OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET
SACRAMENTO 95814

GEORGE DEUKMEJIAN
GOVERNOR

November 6, 1989

Mr. John Carlson, Director
Stockton Community Development Dept.
425 N. El Dorado Street
Stockton, CA 95202

Re: Stockton's Second General Plan Extension

Dear Mr. Carlson:

This is to inform you that I have approved the city of Stockton's request for a second extension of time for the revision of the land use, circulation, conservation, open-space, safety, noise, and parks and recreation elements of the city of Stockton's general plan. This second extension is granted for a six-month period. The extension begins on November 15, 1989 and ends on May 15, 1990 or upon the adoption of all the above-named elements, whichever is earlier. The extension, as provided in California Government Code section 65361 and its relevant subsections, releases the city from the requirement that it adopt and maintain a complete and adequate general plan during the extension period. Please note that this extension is subject to the conditions imposed in this letter.

As the basis for granting this second extension, I reference the findings made by the Stockton City Council in Resolution 89-0669. The resolution and the city's application materials indicate that the city has made substantial progress in completing its general plan revision, thus permitting me to grant this second extension.

I have determined that the following conditions of approval are necessary to ensure the city's compliance with the Planning and Zoning Law. These conditions shall be in effect only during the period of this second extension.

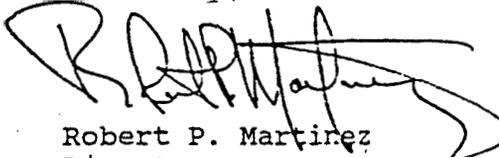
1. Discretionary land use projects shall be approved by the city only when the city makes written findings, based upon substantial evidence in the record, that such projects will be consistent with the city's existing general plan.

2. Upon approval of the draft general plan by the planning commission, discretionary land use projects shall be approved by the city only when the city makes written findings, based upon substantial evidence in the record, that such projects will be consistent with the city's draft general plan. No finding of consistency with the city's existing general plan shall be necessary upon the planning commission's approval of the draft general plan.
3. During the effective period of this extension, the city shall not initiate, accept, process, or act on general plan amendments, except for the following:
 - (a) General plan amendments initiated (by application or by the city) prior to November 16, 1988.
 - (b) General plan amendments necessary to implement AB 1600 (Ch. 927, Stats. of 1987).
4. During the effective period of this extension, the city shall not initiate or accept applications for, process, or act on vesting tentative maps, development agreements, or any other agreement which vests and legally precludes unilateral changes in land use by the city.
5. During the effective period of this extension, the city shall not initiate by resolution any new annexations.
6. Upon adoption of the revised general plan, the city shall send OPR a copy of the final general plan and a copy of the city council's resolution adopting the revised general plan.
7. For the purposes of this extension:
 - (a) "Discretionary land use project" includes, zoning ordinance adoptions or amendments, specific plan adoptions or amendments, tentative subdivision maps, parcel maps for which no tentative maps are required, conditional use permits, variances, design reviews, planned unit development plans, precise plans, and public works/capital improvements projects (except for those projects necessary for maintenance or public safety).
 - (5) "City" includes the Stockton City Council, the Stockton Planning Commission, and any city official, commission, legislative committee, board, or individual delegated administrative responsibilities under city ordinances and policies.

(c) "Draft general plan" is defined as the proposed general plan as approved by the planning commission and referred to the city council for action. One function of the city council is to refine the draft general plan, as necessary, prior to final adoption. Accordingly, the city council may make orderly revisions to the draft plan as it deems necessary during its deliberations and prior to adoption.

If you have any questions about this extension, please contact Jack Ferguson at 916/445-4831.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert P. Martinez", written over a printed name and title.

Robert P. Martinez
Director

CITY COUNCIL MEETING
DECEMBER 6, 1989

ORDINANCE NO. 1472

AN UNCODIFIED URGENCY ORDINANCE OF THE LODI CITY COUNCIL
ESTABLISHING A SURCHARGE ON REFUSE RATES
TO FUND A STATE-MANDATED PROGRAM AND COUNTY RATE INCREASE

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1.

WHEREAS, effective January 1, 1989, under Lodi Ordinance No. 1443, a surcharge of 1.7% was imposed on all residential and commercial refuse collection rates in the City of Lodi to pay the costs of a State-mandated program under Government Code §66796.22; and

WHEREAS, under the provisions of the Waste Management Act of 1989 (AB 939), further State-mandated fees have been imposed upon operators of landfills; and

WHEREAS, the County of San Joaquin has proposed adoption of an increase in gate fees of \$0.88 per ton for operating costs and \$0.50 per ton to comply with the provisions of AB 939, on County-operated landfills, to be effective January 1, 1990; and

WHEREAS, under the agreement between the City of Lodi and Sanitary City Disposal Company, inc. for refuse collection, such increases in direct costs to Sanitary City Disposal Company, Inc. are subject to adjustment of rates by the City of Lodi to compensate the Franchisee;

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CITY COUNCIL MEETING
DECEMBER 6, 1989

NOW, THEREFORE, BE IT ORDAINED BY THE LODI CITY COUNCIL pursuant to Health and Safety Code §5471 as follows:

In addition to the 1.7% surcharge on refuse collection rates established by Ordinance No. 1443, a further surcharge of 1.1% is hereby imposed (for a total of 2.8%) on all residential and commercial refuse collection accounts in the City to fund the State-mandated programs and gate fee increase by the County of San Joaquin. . These funds shall be placed and retained by the City in a separate revenue account, and paid to Franchisee on a basis of 52.38 per ton of residential and commercial refuse collected, as established by Franchisee's records.

SECTION 2. All ordinances and parts of ordinances *in conflict* herewith are repealed insofar as such conflict may exist.

SECTION 3. This is an urgency ordinance based on health, safety and welfare considerations, implementing a State-mandated program, and shall be effective on all billings by the City of Lodi, on or after January 1, 1990.

SECTION 4. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect immediately.

CITY COUNCIL MEETING
DECEMBER 6, 1989

Approved this 6th day of December

JOHN R. SNIDER
MAYOR

Attest:

JENNIFER EL. PERRIN
Deputy City Clerk

for ALICE M. REMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1472 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held December 6, 1989, and was thereafter passed, adopted and ordered to print by the following vote:

Ayes : Council Members - Hinchman, Olson, Pinkerton, Reid and
Snider (Mayor)

Noes : Council Members - None

Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1472 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

JENNIFER M. PERRIN
Deputy City Clerk

for ALICE M. REMCHE
City Clerk

Approved as to form:

BOB MCKATT
City Attorney