

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 066796.22; 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 ;

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 \$2.38 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 All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.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.

Approved this 6th day of December

John R Snider

JOHN R. SNIDER
MAYOR

Attest:

Jennifer M. Perrin
JENNIFER M. PERRIN
Deputy City Clerk

for ALICE M. REIMCHE
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:

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| Ayes : | Council Members - Hinchman, Olson, Pinerton, 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
JENNIFER M. PERRIN
Deputy City Clerk

for ALICE M. REIMCHE
City Clerk

Approved as to Form

Bob McNatt

BOB McNatt
City Attorney

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