

RESOLUTION NO. 86-100

RESOLUTION APPROVING AGREEMENT WITH  
THE COUNTY OF SAN JOAQUIN PROVIDING  
FOR THE IMPLEMENTATION OF A GATE FEE  
AT THE HARNEY LANE SANITARY LANDFILL

RESOLVED, that the City Council of the City of Lodi does hereby approve the Agreement with the County of San Joaquin providing for implementation of a gate fee at the Harney Lane Sanitary Landfill a copy of which agreement marked Exhibit "A" is hereby attached hereto and thereby made a part hereof.

BE IT FURTHER RESOLVED that the City Council of the City of Lodi does hereby authorize the Mayor and City Clerk to execute the subject agreement on behalf of the City.

Dated: July 2, 1986

I hereby certify that Resolution No. 86-100 was passed and adopted by the City Council of the City of Lodi in a Regular Meeting held July 2, 1986 by the following vote:

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

Noes: Council Members - None

Absent: Council Members - None

  
ALICE M. REIMCHE  
City Clerk

EXHIBIT "A"

AGREEMENT REGARDING REFUSE DISPOSAL AT HARNEY LANE LANDFILL

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THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1986, by and between the City of Lodi, a municipal corporation, hereinafter "CITY", and the County of San Joaquin, a political subdivision of the State of California, hereinafter "COUNTY".

WHEREAS, the City and County have an agreement dated January 2, 1975 regarding the operation of the Harney Lane sanitary landfill and the disposal of City refuse at such landfill; and

WHEREAS, such January 2, 1975 agreement provides that the City shall have the right to have certain refuse generated within City limits disposed of at the Harney Lane sanitary landfill in exchange for the City paying County a certain percentage of fees collected by City from collectors of City refuse; and

WHEREAS, the City and County have an agreement dated March 19, 1980 relating to solid waste management; and

WHEREAS, it is the intent of County that users of County refuse disposal facilities pay the disposal costs connected with such use, and it is the intent of County and City that City pay only its fair share of disposal site closure costs; and

WHEREAS, County has begun the implementation of gate fees for the disposal of refuse in sanitary landfills which County owns, operates, or controls; and

WHEREAS, County desires to substitute a gate fee for the present arrangement whereby City pays to County a percentage of fees collected by City from collectors of City refuse; and

WHEREAS, County and Sanco Disposal Service, Incorporated, a California corporation with its principal offices in Lodi, California (hereinafter "Sanco") have agreed by the Second Amendment to contract For Disposal of Refuse for Refuse Service Area B of the County of San Joaquin, dated February 25, 1986, that gate fees shall be applied against the actual volume of refuse which is delivered by Sanco or its affiliates to disposal sites provided by County and which is derived from City residential, commercial and industrial sources, and City vehicle collection services, when City and County establish and execute an agreement regarding switching City to the gate fee system;

NOW, THEREFORE, City and County agree as follows regarding switching City to a gate fee system for disposal of City refuse in disposal facilities provided by County:

1. Beginning on the effective date of this agreement, all industrial, commercial and residential refuse, as the terms "residential refuse", "industrial refuse" and "commercial refuse" are defined by Section 5-2101(e), (m), (r) of the San Joaquin County Ordinance Code, derived from City residential, commercial and industrial sources shall be subject to and charged a gate fee. Such gate fee shall be based on the volume or weight of refuse disposed. Any gate fee based on weight shall be as established from time to time by the Board of Supervisors of County. Any gate fee based on volume shall be equal to the number of uncompacted cubic yards of refuse deposited times an amount for uncompacted cubic yards established from time to time by the Board of Supervisors of County. Each compacted cubic yard of refuse shall be multiplied by a factor of 1.4 to determine the total amount of uncompacted cubic yards of refuse to

be deposited; provided that the actual imposition of charges for gate fees for residential and commercial refuse generated by City residential and commercial sources shall be delayed no later than December 31, 1986, in order to allow City to complete a study regarding the impact of gate fees on the collection of refuse in the City; and provided further than on and after December 31, 1986, such gate fee shall be imposed automatically against residential and commercial refuse generated by City residential and commercial sources as hereinabove set forth, if not earlier implemented by agreement of City and County. Notwithstanding anything to the contrary in the January 2, 1975 agreement between City and County, for City-owned vehicles utilizing County-owned, operated or controlled disposal facilities for the disposal of refuse as defined herein, City shall pay County, beginning on the effective date of this agreement, a gate fee established by the Board of Supervisors of County based on the volume or weight of refuse so disposed.

2. Users of County-owned, operated or controlled refuse disposal facilities shall pay disposal costs connected with such use. City shall pay only its fair share of the cost of closure of refuse disposal facilities owned, operated or controlled by County.

3. The disposal of any "refuse", as that term is defined by Section 5-2101(p) of the San Joaquin County Ordinance Code, which is not otherwise dealt with in section 1 of this agreement, is subject to such disposal fees as imposed by County and shall not be the subject of this agreement.

4. Prior to any change in the amounts of the gate fee established from time to time by the Board of Supervisors of the County, County

shall send to City, the County staff report regarding such gate fee change.

5. Revenues to the County Solid Waste Disposal Enterprise Funds shall be used only to pay for operations and expenses of that fund.

6. This agreement shall be in effect on July 1, 1986, and remain in full force and effect throughout the terms of the January 2, 1975 and March 19, 1980 agreements between City and County hereinabove mentioned, and after the expiration of such agreements, rates charged for the disposal of City industrial, commercial and residential refuse at disposal facilities provided by County shall be as established by the Board of Supervisors of County.

IN WITNESS WHEREOF the parties hereto have executed this agreement this \_\_\_\_\_ day of \_\_\_\_\_, 1986.

ATTEST: JOREYTA J. HAYDE  
Clerk of the Board of  
Supervisors of the County of San  
Joaquin, State of California

By \_\_\_\_\_ (SEAL)  
Deputy Clerk

ATTEST:

Alice M. Reimche  
Alice M. Reimche  
City Clerk

COUNTY OF SAN JOAQUIN, a  
political subdivision of  
the State of California

By \_\_\_\_\_  
DOUGLASS W. WILHOIT, Chairman  
Board of Supervisors

CITY OF LODI, a municipal  
corporation of the  
State of California

By Fred M. Reid  
Fred M. Reid  
Mayor

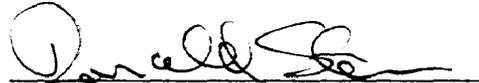
APPROVED AS TO FORM:  
JOHN F. CHEADLE  
County Counsel

By \_\_\_\_\_  
TERRANCE R. DERMODY  
Chief Deputy County Counsel  
Attorneys for COUNTY

APPROVED AS TO CONTENT:

\_\_\_\_\_  
HENRY HIRATA, Director  
Public Works Department

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RONALD M. STEIN  
City Attorney  
CITY OF LODI