

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN JOSE AMENDING THE SCHEDULE OF FEES AND  
CHARGES (RESOLUTION NO. 72737 AS AMENDED) TO  
REVISE THE SOURCE REDUCTION AND RECYCLING  
FEE FOR COMMERCIAL SOLID WASTE**

**WHEREAS**, on June 14, 2005, the City Council adopted Resolution No. 72737 establishing the Schedule of Fees and Charges effective July 1, 2005; and

**WHEREAS**, on December 13, 2005, the City Council adopted Resolution No. 73019 amending the Schedule of Fees and Charges to establish a Secondary Units Clearance Fee, effective December 13, 2005; and

**WHEREAS**, on February 7, 2006, the City Council adopted Resolution No. 73056 amending the Schedule of Fees and Charges to establish an Off-Sale of Alcoholic Beverage Establishments Inspection Program Fee, effective February 7, 2006; and

**WHEREAS**, on June 20, 2006, the City Council adopted Resolution No. 73242 to amend and establish various fees and charges effective July 1, 2006; and

**WHEREAS**, on February 6, 2007, the City Council adopted Resolution No. 73637 amending the Schedule of Fees and Charges to increase the Lobbyist Delinquent Report Fee, effective February 6, 2007; and

**WHEREAS**, on June 12, 2007, the City Council adopted Resolution No. 73831 to amend and establish various fees and charges effective July 1, 2007; and

**WHEREAS**, on June 19, 2007, the City Council adopted Resolution No. 73879 amending the Schedule of Fees and Charges to revise the Source Reduction and Recycling Fee for Eligible Public School Districts, effective July 1, 2007; and

**WHEREAS**, on June 19, 2007, the City Council adopted Resolution No. 73881 amending the Schedule of Fees and Charges to revise the Inclusionary Fees, effective either July 1, 2007 or September 29, 2007; and

**WHEREAS**, on October 2, 2007, the City Council adopted Resolution No. 74035 amending the Schedule of Fees and Charges to conform new San José Municipal Code Section Numbers in Title 7 and to establish Administrative Late Fee for Licensing after Issuance of an Administration Citation, to be effective October 2, 2007; and

**WHEREAS**, on October 16, 2007, the City Council adopted Resolution No. 74047 amending the Schedule of Fees and Charges to Standardize Fees for Photocopying, to be effective October 16, 2007; and

**WHEREAS**, on June 17, 2008, the City Council adopted Resolution No. 74452 to amend and establish various fees and charges effective July 1, 2008; and

**WHEREAS**, on March 24, 2009, the City Council adopted Resolution No. 74839 amending the Schedule of Fees and Charges to Decrease Cardroom Table Fees (SJMC §16.30.060B) for Fiscal Year 2008-2009, to be effective March 24, 2009; and

**WHEREAS**, on March 24, 2009, the City Council adopted Resolution No. 74841 amending the Schedule of Fees and Charges to adjust certain Planning Fees to Cost Recovery and make other Minor Fee Charges, to be effective May 26, 2009; and

**WHEREAS**, on June 16, 2009, the City Council adopted Resolution No. 74981 to amend and establish various fees and charges effective July 1, 2009; and

**WHEREAS**, on October 20, 2009, the City Council adopted Resolution No. 75135 to eliminate the subpoenaed officer court appearance fee; and

**WHEREAS**, on April 13, 2010, the City Council adopted Resolution No. 75334 amending the Schedule of Fees and Charges to establish Reinspection Fees for Code Enforcement Services, to be effective April 13, 2010; and

**WHEREAS**, on April 13, 2010, the City Council adopted Resolution No. 75338 amending the Schedule of Fees and Charges to increase the Maximum Ticket Charge for Gated Events on Public Property, to reduce the Gated Event on Public Property Fee for the period of January 1, 2009 to June 30, 2010, to repeal the Special Events Traffic Enforcement Unit Fee, and to authorize the Chief Development Officer to issue refunds to event organizers who paid Gated Event on Public Property Fees retroactive to January 1, 2009; and

**WHEREAS**, on June 17, 2010, the City Council adopted Resolution No. 75442 to amend and establish various fees and charges effective July 1, 2010; and

**WHEREAS**, on August 3, 2010, the City Council adopted Resolution No. 75502 to correctly set forth the Public Entertainment Ownership/Management License Fee, effective August 3, 2010; and

**WHEREAS**, on August 3, 2010, the City Council adopted Resolution No. 75509 to decrease the Cardroom Card Table Fee, effective August 3, 2010; and

**WHEREAS**, on October 19, 2010, the City Council adopted Resolution No. 75600 to clarify the existing Disposal Facility Operator Integrated Waste Management Fee, effective October 19, 2010; and

**WHEREAS**, on October 26, 2010, the City Council adopted Resolution No. 75610 to revise and establish various Public Entertainment Ownership/Management License Fees, to be effective December 10, 2010; and

**WHEREAS**, on November 30, 2010, the City Council adopted Resolution No. 75639 to eliminate the Bicycle License Fees, to be effective November 30, 2010; and

**WHEREAS**, on November 30, 2010, the City Council adopted Resolution No. 75641 to establish fees for Waste Diversion Compliance, to be effective January 1, 2011; and

**WHEREAS**, on December 14, 2010, the City Council adopted Resolution No. 75684 to establish fees for Wayfinding Banner Application and Double Banner Installation, to be effective December 14, 2010; and

**WHEREAS**, on February 8, 2011, the City Council adopted Resolution No. 75725 to eliminate the Card Table Fees and to establish the Cardroom Regulation Fee, to be effective February 8, 2011; and

**WHEREAS**, on April 19, 2011, the City Council adopted Resolution No. 75783 to establish a Medical Marijuana Collective Application Processing Fee and to establish a Medical Marijuana Investigation Hourly Fee, to be effective April 19, 2011; and

**WHEREAS**, on June 14, 2011, the City Council adopted Resolution No. 75863 to amend and establish various fees and charges effective July 1, 2011; and

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**WHEREAS**, on June 21, 2011, the City Council adopted Resolution No. 57913 to suspend the use and rental fees charged by the City for use of the Mexican Heritage Plaza, located at 1700 Alum Rock Avenue, San José, California for so long as the City is not operating the facility, to be effective June 21, 2011; and

**WHEREAS**, on December 6, 2011, the City Council adopted Resolution No. 76085 to waive certain costs associated with Requests for Public Records, to be effective retroactive to November 10, 2011; and

**WHEREAS**, the City Council desires to further amend Resolution No. 72737 as amended by Resolutions Nos. 73019, 73056, 73242, 73637, 73831, 73879, 73881, 74035, 74047, 74452, 74839, 74841, 74981, 75135, 75334, 75338, 75442, 75502, 75509, 75600, 75610, 75639, 75641, 75684, 75725, 75783, 75863, 75913, and 76085 to amend the Schedule of Fees and Charges to revise the source reduction and recycling fee for commercial solid waste generators and exclusive franchisees, to be effective February 28, 2012;

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:**

**SECTION 1.** Section 7.010(b) of Part 7 of Resolution No. 72737, as amended by Resolution Nos. 73019, 73056, 73242, 73637, 73831, 73879, 73881, 74035, 74047, 74452, 74839, 74841, 74981, 75135, 75334, 75338, 75442, 75502, 75509, 75600, 75610, 75639, 75641, 75684, 74725, 75783, 75863, 75913, and 76085 is amended to add a fee for Commercial Solid Waste collected by exclusive commercial franchisees, as follows:

7.010            Source Reduction and Recycling (AB939) Fee

(SJMC §§9.10.1120, 9.10.1435)

b. Commercial Solid Waste

- |    |   |   |
|----|---|---|
| 1. | Commercial Solid Waste collected by nonexclusive commercial franchisees                                 | \$0.89 per uncompacted cubic yard collected (paid by generators)                                      |
|    |   | \$2.67 per compacted cubic yard (paid by generators)  |
| 2. | Commercial Solid Waste collected by exclusive commercial franchisees (effective beginning July 1, 2012) | \$4,200,000 per fiscal year (paid by hauler with franchises for both geographic collection districts) |

**SECTION 2.** Section 7.010(c) of Part 7 of Resolution No. 72737, as amended by Resolution Nos. 73019, 73056, 73242, 73637, 73831, 73879, 73881, 74035, 74047, 74452, 74839, 74841, 74981, 75135, 75334, 75338, 75442, 75502, 75509, 75600, 75610, 75639, 75641, 75684, 74725, 75783, 75863, 75913, and 76085 is amended as follows:

7.010      Source Reduction and Recycling (AB939) Fee  
(SJMC §§9.10.1120, 9.10.1435)

- |    |  |                    |
|----|--|--------------------|
| c. | Waste collected from a public school district providing education in grades K-12 (or any grades within K-12) that has entered into a Waste Reduction Agreement with the City and waste collected from an adult education institution supported by public funds that has entered into a Waste Reduction Agreement with the City (effective through June 30, 2012) | \$0 per cubic yard |
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**ADOPTED** this 24<sup>th</sup> day of April 2012, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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CHUCK REED  
Mayor

ATTEST:

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DENNIS D. HAWKINS, CMC  
City Clerk