

RESOLUTION NO. 74905

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ ADOPTING SERVICE RATES FOR THE RECYCLE PLUS PROGRAM EFFECTIVE JULY 1, 2009 AND SUPERSEDING RESOLUTION NO. 74362

WHEREAS, the Recycle Plus Program provides integrated waste management services to all residential premises and eligible small commercial premises in San José; and

WHEREAS, on February 25, 1993, the City Council adopted Resolution No. 64405 to establish Service Rates for the Recycle Plus Program effective July 1, 1993; and

WHEREAS, on May 25, 1993, the City Council adopted Resolution No. 64608 adopting Service Rates for the Recycle Plus Program and superseding Resolution No. 64405; and

WHEREAS, on March 8, 1994, the City Council adopted Resolution No. 65133 amending Service Rates for the Recycle Plus Program effective March 1, 1994, and superseding Resolution No. 64405; and

WHEREAS, on April 19, 1994, the City Council adopted Resolution No. 65200 adopting Service Rates for the Recycle Plus Program effective July 1, 1994, and superseding Resolution No. 65133; and

WHEREAS, on June 11, 1996, the City Council adopted Resolution No. 66675 adopting Service Rates for the Recycle Plus Program to include hardship Service Rates for certain single-family premises which are temporarily uninhabitable because of fire or natural disaster effective July 1, 1996, and superseding Resolution No. 65200; and

WHEREAS, in August 27, 1996, the City Council adopted Resolution No. 66857 to include certain rates for single-family extra services and to supersede Resolution No. 66675; and

WHEREAS, on February 24, 1998, the City Council adopted Resolution No. 67933 adopting Service Rates for the Recycle Plus Program effective July 1, 1998, and superseding Resolution No. 66857; and

WHEREAS, on June 18, 2002, the City Council adopted Resolution No. 71079 adopting Service Rates for the Recycle Plus Program to establish a single-family twenty-gallon service rate, establish a yard trimmings subscription cart rate, and revise the service rate structure for multi-family service effective July 1, 2002, and superseding Resolution No. 67933; and

WHEREAS, on December 17, 2002, the City Council adopted Resolution No. 71358 adopting Service Rates for the Recycle Plus Program effective February 1, 2003, and superseding Resolution No. 71079; and

WHEREAS, on May 27, 2003, the City Council adopted Resolution No. 71581 adopting Service Rates for the Recycle Plus Program effective July 1, 2003, and superseding Resolution No. 71358; and

WHEREAS, on June 15, 2004, the City Council adopted Resolution No. 72162 adopting Service Rates for the Recycle Plus Program effective August 1, 2004, and superseding Resolution No. 71581; and

WHEREAS, on February 28, 2006, the City Council adopted Resolution No. 73083 adopting Service Rates for the Recycle Plus Program effective April 1, 2006, and superseding Resolution No. 72162; and

WHEREAS, on June 20, 2006, the City Council adopted Resolution No. 73255 adopting Service Rates for the Recycle Plus Program effective August 1, 2006, and superseding Resolution No. 73083; and

WHEREAS, on May 8, 2007, the City Council adopted Resolution No. 73757 adopting Services Rates for the Recycle Plus Program effective July 1, 2007, and superseding Resolution No. 73255; and

WHEREAS, on May 13, 2008, the City Council adopted Resolution No. 74362 to establish the current Services Rates for the Recycle Plus Program effective July 1, 2008; and superseding Resolution No. 73757; and

WHEREAS, the Council desires to revise Service Rates to establish the Service Rates for the Recycle Plus Program effective July 1, 2009;

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

SECTION 1. Effective July 1, 2009, the Service Rates to be paid by persons for whom Recycle Plus Program services are made available shall be as set forth in Exhibit A which is attached to and incorporated in this Resolution.

SECTION 2. This Resolution shall supersede Resolution No. 74362.

SECTION 3. The Service Rates set forth in this Resolution shall remain effective until such time as they are amended, modified or repealed by a subsequent resolution of the City Council.

ADOPTED this 12th day of May, 2009, by the following vote:

AYES: CAMPOS, HERRERA, KALRA, LICCARDO, NGUYEN,
PYLE; REED.

NOES: CHU, OLIVERIO.

ABSENT: CHIRCO, CONSTANT.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

**I. RECYCLE PLUS SERVICE RATES FOR WHEELED DISPOSAL CONTAINER GARBAGE
(CART) SERVICE (DISTRICTS A, B AND C)
EFFECTIVE JULY 1, 2009**

A. Service Rates Per Month For Standard Services are hereby established based upon the volume capacity of the wheeled garbage disposal cart as follows:

Service Level	<u>Disposal Cart Volume</u>								<u>Shared 96 Gallon Carts</u> ^{2, 3}	
	20 Gallon	32 Gallon	64 Gallon	96 Gallon	128 Gallon	160 Gallon	192 Gallon	224 Gallon	One Cart	Two Carts
Standard ^{1, 3}	\$25.90	\$27.50	\$55.00	\$82.50	\$110.00	\$137.50	\$165.00	\$192.50	\$70.86	\$105.77
On-Premises ^{1, 3}	\$82.00	\$83.59	\$111.08	\$138.57	\$166.06	\$193.55	\$221.03	\$248.52	\$126.96	\$217.97
On-Premises/ Disabled ¹	\$25.90	\$27.50	\$55.00	\$82.50	\$110.00	\$137.50	\$165.00	\$192.50	N/A	N/A
Small Commercial ¹	N/A	\$34.16	\$61.69	\$89.19	\$116.72	\$144.23	\$171.75	\$199.29	N/A	N/A
On-Premises Small Commercial ¹	N/A	\$90.26	\$117.79	\$145.29	\$172.82	\$200.33	\$227.85	\$255.39	N/A	N/A
Lifeline (175) ⁴	\$18.13	\$19.25	\$27.50	\$41.25	\$55.00	\$68.75	\$82.50	\$96.25	N/A	N/A
Lifeline (176/5) ⁵	N/A	N/A	\$41.25	\$61.88	\$82.50	\$103.13	\$123.75	\$144.38	N/A	N/A
Special Medical ⁶	N/A	N/A	\$27.50	\$55.00	\$82.50	\$110.00	\$137.50	\$165.00	N/A	N/A
Hardship-Illness ⁷	Ø	Ø	Ø	Ø	Ø	Ø	Ø	Ø	N/A	N/A
Hardship-Death ⁸	Ø	Ø	Ø	Ø	Ø	Ø	Ø	Ø	N/A	N/A
Hardship- Fire/Disaster ⁹	Ø	Ø	Ø	Ø	Ø	Ø	Ø	Ø	N/A	N/A

Notes (Notes continue on the next page.):

¹ Maximum Service Level is 224 gallons. The Small Commercial category rates only apply for businesses which generate less than one (1) cubic yard of Garbage per week and which are approved by the Director of Environmental Services for inclusion in the residential solid waste collection program (San José Municipal Code § 9.10.1440).

² These Service Rates apply to multi-family dwellings that have shared garbage cart collection service as of June 30, 2002. The Two-Cart rate applies for each set of two carts. Thus, the standard rate for 4 carts is \$211.54 per month; the on-premises rate for 4 carts is \$435.94 per

Notes (continued):

month. Where there are an odd number of carts, the rate is the Two-Cart rate multiplied by the number of 2-cart sets plus the One-Cart rate. Thus, the standard rate for 3 carts is \$176.63; the standard rate for 5 carts is \$282.40.

³ For multi-family dwellings that begin shared cart service on or after July 1, 2002, the Service Rates are the 96-gallon standard or on-premises rate multiplied by the number of carts. For example, for standard (curbside) service the Service Rate is \$82.50 for 1 cart, \$165.00 for 2 carts, \$247.50 for 3 carts; for on-premises service the Service Rate is \$138.57 for 1 cart, \$277.14 for 2 carts, \$415.71 for 3 carts.

⁴ The monthly Service Rates for Lifeline (175) are no more than 70% of the monthly Service Rates for Standard Service Level for 20-gallon and 32-gallon service and no more than 50% of the Service Rate for Standard Service Level for Service Levels greater than 32 gallons. These rates apply only for service recipients who meet the Lifeline (175) eligibility criteria of household income not more than 175% of poverty level as established by the Director of Environmental Services and maximum Service Level based on the household sizes in the following table:

<u>Persons in Household</u>	<u>Maximum Service Level</u>
1 - 3	32-gallons
4 - 6	64-gallons
7 - 9	96-gallons

⁵ These rates apply only for service recipients who meet the Lifeline (176/5) eligibility criteria of a household consisting of five (5) or more persons and household income at 176% to 200%, inclusive, of poverty level as established by the Director of Environmental Services. The monthly Service Rates for Service Levels greater than 32 gallons are no more than 75% of the monthly Service Rates for the Standard Service Level.

⁶ These Service Rates apply only to households where medical waste is produced because of the medical condition of a household member and the household has been approved for such Service Rates by the Director of Environmental Services.

⁷ These Service Rates apply only to owner-occupied households which meet the following requirements: (1) the premises are vacant because the owner is living in a medical care facility because of illness or injury; (2) the owner will be in the medical care facility for a period of not less than thirty days; (3) no solid wastes (garbage, recyclables, yard wastes, or other materials) are generated at the premises during the vacancy period; (4) the owner or the owner's representative applies for these Service Rates and has provided sufficient documentation to show the premises meet these requirements; and (5) the Director of Environmental Services has approved the application.

⁸ These Service Rates apply only to owner-occupied households which meet the following requirements: (1) the premises are vacant because of the death of the owner; (2) the premises are part of the owner's estate which is the subject of probate proceedings; (3) no solid wastes (garbage, recyclables, yard wastes, or other materials) are generated at the premises during the vacancy period; (4) the executor or administrator of the estate applies for these Service Rates and has provided sufficient documentation to show the premises meet these requirements; and (5) the Director of Environmental Services has approved the application. These Service Rates shall not apply to any period of time subsequent to the transfer of title of the premises to any person or entity, including any trust, other than the deceased.

⁹ These Service Rates apply only to owner-occupied households which meet the following requirements: (1) the premises are vacant because of fire or natural disaster which has rendered the premises uninhabitable; (2) the vacancy will be on a temporary basis while the owner of the premises restores the premises to habitable condition; (3) the vacancy period will be at least thirty days long; (4) no solid wastes (garbage, recyclables, yard wastes or other materials) are generated at the premises during the vacancy period with the exception of demolition/construction debris which is removed by the person performing the demolition/construction; (5) the owner or the owner's representative applies for these Service Rates and has provided sufficient documentation to show the premises meet these requirements; and (6) the Director of Environmental Services has approved the application.

B. Service Rates For Extra Services are hereby established as follows:

<u>Service</u>	<u>Description</u>	<u>Service Rate</u>
Extra Garbage Stickers	Resident purchases tag; attaches to 32-gallon garbage bag for collection	\$6.25 per tag
On-Demand Large Items Collection	Resident requests pick-up of unwanted Large Items	\$25.00 for up to 3 items
On-Demand Cart Size Exchange	Resident puts out cart; contractor replaces with different size as requested	\$15 per exchange in excess of one/fiscal year
Replacement of Lost/Stolen Cart	Cart is lost or stolen	\$Ø per replacement
Container Charge For Repeated Cart Requests or Abuse of Cart	Contractor demonstrates to City that resident uses cart for unintended purpose or makes repeated requests for replacements	\$60.00
Collection of contaminated recycling cart	Contractor collects contaminated materials as garbage	\$15.00
Yard Trimmings Cart Subscription Option	Resident requests cart for yard trimmings collection	\$4.00 per month per cart

**II. RECYCLE PLUS SERVICE RATES FOR GARBAGE
BIN COLLECTION (MULTI-FAMILY) SERVICE
EFFECTIVE JULY 1, 2009**

- A. Service Rates Per Month For Standard Service** are hereby established based upon the size of the garbage container and the frequency of collection:

Garbage Collections Per Week ^{1, 2, 3}

Garbage Bin Size (cu. yd.)	Recycling Bin Size (cu. Yd.) ¹	<u>Garbage Collections Per Week</u> ^{1, 2, 3}					<u>Extra Pick-Up</u>
		1	2	3	4	5	
1	1	\$91.01	\$164.82	\$238.66	\$312.50	\$386.34	\$39.16
1.5	1.5	\$114.31	\$209.71	\$305.12	\$400.54	\$495.93	\$44.56
2	2	\$138.21	\$255.21	\$372.21	\$489.18	\$606.16	\$49.99
3	3	\$184.90	\$345.06	\$505.20	\$665.34	\$825.47	\$60.84
4	4	\$231.62	\$434.92	\$638.20	\$841.51	\$1,044.82	\$71.71
5	5	\$278.31	\$524.75	\$771.22	\$1,017.70	\$1,264.15	\$81.97
6	6	\$325.01	\$614.64	\$904.23	\$1,193.85	\$1,483.48	\$93.38
8	8	\$418.40	\$794.34	\$1,170.24	\$1,546.18	\$1,922.11	\$115.08

Notes:

¹ Collections per week refers to collection of garbage. Standard recycling collections are once per week regardless of bin size. Additional recycling capacity and/or collection frequency will be considered by the Director of Environmental Services upon request.

² Where the garbage bin is provided by the Service Recipient, the monthly service rates set out in this matrix are reduced by the following amounts:

Bin Size Cu. yd.)	Service Rate Reduction/Month	Bin Size (cu. yd.)	Service Rate Reduction/Month
1	\$11.33	4	\$18.67
1.5	\$12.46	5	\$21.00
2	\$14.01	6	\$23.34
3	\$16.34	8	\$28.01

³ For bins without wheels sizes 1-cu. yd. to 5-cu. yd., the monthly service rates set out in this matrix are reduced by \$4.00 multiplied by the number of collections per week. The monthly service rates for 6- and 8-cu. yd. bins already include the \$4.00 reduction.

- B. Service Rates For Compactor Garbage Collection Service** is hereby established at \$43.52 per cubic yard of compactor capacity per collection. This rate includes service for a recycling compactor with a capacity equal to the capacity of the garbage compactor.

C. Service Rates For Extra Services are hereby established as follows:

1. Dismount And Push Charges Per Garbage Bin

Distance (in feet)	<u>Monthly Rates for Regularly Scheduled Service</u>					Push Charge For Extra Pick-Up ²
	<u>Collections Per Week</u> ^{1, 3}					
	1	2	3	4	5	Per Bin/ Push
Up to 25	\$20.39	\$40.78	\$61.17	\$81.56	\$101.95	\$12.64
26 - 50	\$40.78	\$81.56	\$122.34	\$163.12	\$203.90	\$25.28
51 - 75	\$61.17	\$122.34	\$183.51	\$244.68	\$305.85	\$37.92
76 - 100	\$81.56	\$163.12	\$244.68	\$326.24	\$407.80	\$50.56
101 - 125	\$101.95	\$203.90	\$305.85	\$407.80	\$509.75	\$63.20
126 - 150	\$122.34	\$244.68	\$367.02	\$489.36	\$611.70	\$75.84
151 - 175	\$142.73	\$285.46	\$428.19	\$570.92	\$713.65	\$88.48
176 - 200	\$163.12	\$326.24	\$489.36	\$652.48	\$815.60	\$101.12

Notes:

- ¹ For regularly scheduled service, the monthly charge for pushes greater than 200 feet is \$20.39 multiplied by the number of 25-foot increments multiplied by the number of collections per week. Example: For pushes of 276 - 300 feet, the number of 25-foot increments is 12; the monthly charge for pushes of 276 - 300 feet for collections performed 3 times per week is $\$20.39 \times 12 \times 3 = \734.04
- ² For extra pick-ups with pushes greater than 200 feet, the push charge is 0.62 times \$20.39 multiplied by the number of 25-foot increments.
- ³ The garbage bin push rate includes the push of a recycling bin the same distance and frequency.

2. Dismount And Push Charges For Recycling Carts¹

Distance (in feet)	Push Charge for Regularly Scheduled Service ²	Push Charge for Extra Pick-Up ³
Up to 25	\$ 0.00	\$ 0.00
26 - 50	\$20.39	\$12.64
51 - 75	\$40.78	\$25.28
76 - 100	\$61.17	\$37.92
101 - 125	\$81.56	\$50.56
126 - 150	\$101.95	\$63.20
151 - 175	\$122.34	\$75.84
176 - 200	\$142.73	\$88.48

(Notes begin on next page)

Notes:

- ¹ Push rates apply to a single cart and to each set of 2 carts. (The regularly-scheduled push charge for a distance of 26-50 feet for 3 carts or 4 carts is \$40.78; the regularly-scheduled push charge for a distance of 26-50 feet for 5 carts or 6 carts is \$61.17.)
- ² For regularly scheduled service, the monthly charge for pushes greater than 200 feet is \$20.39 multiplied by one less than the number of 25-foot increments. Example: For pushes of 276 - 300 feet, the number of 25-foot increments is 12; the monthly charge for pushes of 276 - 300 feet for regularly scheduled service is $\$20.39 \times 11 = \224.29
- ³ For extra pick-ups, the charge for pushes greater than 200 feet is 0.62 multiplied by \$20.39 and multiplied by one less than the number of 25-foot increments. Example: For pushes of 276 - 300 feet, the number of 25-foot increments is 12; the push charge for the extra pick-up is $0.62 \times \$20.39 \times 11 = \139.06

3. Charges For Collection of Contaminated Recycling Containers

For the collection of recycling containers whose contents are contaminated by garbage or other non-recyclable materials, the charges are:

Rate Per Occurrence

Recycling Bins		Recycling Carts	
Bin Size (cu. yd.)	Pick-up Charge per Bin	Number of Carts	Pick-up Charge
1	\$39.16	1	\$39.34
1.5	\$44.58	2	\$49.17
2	\$49.99	3	\$88.51
3	\$60.85	4	\$98.33
4	\$71.71	5	\$137.69
5	\$81.96	6	\$147.53
6	\$92.25	7	\$186.90
8	\$115.08	8	\$196.74
		9+	\$24.59/cart

4. Charges For Garbage Service Level Changes

One change per fiscal year: No charge.

For changes in excess of one per fiscal year: \$25.00 per request for each bin and \$25.00 per request for each set of two carts.

5. Charges For On-Demand Collection Of Large Items

Per-Item Charge: \$55.50 per request (up to 3 items); plus \$18.50 for each additional item in the same pick-up

6. **Garbage Overflow:** Regular charge for bin service as established in Section A above for each bin requested, prorated to the number of weeks the overflow bin is requested, plus \$40.18 per bin for bin pick-up and delivery

7. **Lock Services**

	<u>Bins</u>	<u>Recycling Carts</u>
Lock installed, Plus Key	\$180.45	\$ 109.18
Lock 3 Carts Together	NA	\$ 109.18
Repaired, Including Lock	\$116.76	\$ 83.41
Repaired, Excluding Lock	\$98.57	\$ 66.71
Removed, Damaged By Customer	\$133.43	\$ 109.18
Removed, Customer Request	\$66.71	\$ 66.71
Special Services, Welding Or Retrofit, per hour	\$66.10	\$ 66.10

8. **Container Cleaning**

One cleaning per fiscal year (of Garbage bins, recycling bins or recycling carts): No charge.

Each Additional Cleaning: \$25.00 per bin
\$25.00 per set of two recycling carts

9. **Yard Trimmings Cart Subscription**

For yard trimmings carts subscription service at multi-family dwellings receiving garbage bin collection service, and for mobile home parks, townhomes and/or condominiums with wheeled disposal container garbage (cart) service that subscribe to cart service for yard trimmings generated in common areas (does not include carts provided to individual residents):

Per Cart Charge: \$10.02 per month

10. **Hardship Rate for Uninhabitable Properties**

The Director of Environmental Services may approve a hardship rate of Ø per month for a multi-family property that meets all of the following requirements: (1) all units of the premises are vacant because of fire or natural disaster which has rendered the premises uninhabitable; (2) the vacancy will be on a temporary basis while the owner of the premises restores the premises to habitable condition; (3) the vacancy period will be at least thirty days long; (4) no solid wastes (garbage, recyclables, yard wastes or other materials) are generated at the premises during the vacancy period with the exception of demolition/construction debris which

is removed by the person performing the demolition/construction; and (5) the owner or the owner's representative applies to the Director of Environmental Services for a hardship rate and has provided sufficient documentation to show the premises meet these requirements. In cases where satisfaction of these requirements begins or ends other than on the first day of a month, the Director of Environmental Services may apply the hardship rate and the Multi-Family Service Rates established above on a pro rata basis in accordance with procedures established by the Director of Environmental Services.

(Rates continue on next page)

III. PRO-RATED CHARGES

Service charges on a bill may be pro-rated in various situations including, but not limited to, changes in service level, service type, rates, property ownership; when single family dwelling (SFD) customers request billing on a monthly rather than bi-monthly basis or multi-family dwelling (MFD) customers request billing on a bi-monthly rather than monthly basis; accounts containing both MFD and SFD services such as Home Owner's Associations or mobile home parks (one of the services will be pro-rated); and other special circumstances that require bill adjustments, as determined by the Director of Finance.

Pro-ration will not occur if the cart/bin service is provided between 55 and 65 calendar days for bi-monthly SFD accounts or between 25 and 35 calendar days for monthly MFD accounts when there are changes in service level, service type, or property ownership during this period.

The pro-rated amount will be calculated as a daily rate based on the applicable annualized service rate, in accordance with procedures established by the Director of Finance.

Examples of Daily Rate Calculation:

Service	Service Level	Monthly Rate	Annual Charge (Monthly Rate x 12)	Daily Rate** (Annual Charge ÷ 365 Days)
Single Family	32-Gallon Cart	\$27.50	\$ 330.00	\$0.90
Multi-Family	1 Cu. Yd. Bin*	\$91.01	\$1,092.12	\$2.99

* Assumes collection frequency of once per week.

** For Leap Year, number of days will be 366.