

**RESOLUTION NO. 8943**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA INCREASING THE NON-EXCLUSIVE SOLID WASTE FRANCHISE FEE**

WHEREAS, the City Council in approving a non-exclusive Franchise Fee System and in establishing a new fee entitled "Solid Waste Non-Exclusive Franchise Fee" provided standards and procedures for the granting of non-exclusive franchises for solid waste collection and a mechanism to generate and distribute revenue between the preparation and implementation of an integrated waste management plan and the repair and maintenance of the City's infrastructure due to operation of heavy duty collection vehicles; and

WHEREAS, the reasons for enacting such a fee are contained in an agenda report dated October 20, 1992, entitled "Franchise Grants for Use of the Public Ways. Establishment of Solid Waste Collection Franchise System;" and

WHEREAS, that portion of the total franchise fee which is a fee for services must be increased to pay the proportionate share of street sweeping services;

WHEREAS, a portion of the funding for the City's street sweeping program in the amount of \$486,388 will be transferred from the General Fund to the Refuse Fund which equates to an increase of 3.515 percent to the Franchise Fee;

WHEREAS, this transfer represents a more accurate placement of these expenditures to the Refuse Fund as materials collected during street sweeping become part of the City's waste stream;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PASADENA THAT:**

I. The fee entitled "Solid Waste Non-Exclusive Franchise Fee" is increased from 16 percent to 19.515 percent.

II. Each franchise with a non-exclusive Solid Waste Collection Franchise granted pursuant to Chapter 8.61 of the Pasadena Municipal Code shall pay a franchise fee to the City during the term of such franchise in the following amount:

19.515 percent of any and all gross monthly receipts resulting from the operation of business in the City.

III. For the purpose of calculation of such franchise fee, "gross monthly receipts" means any and all compensation received by the franchise in connection with collection, transportation, disposing, and/or recycling of solid waste kept, accumulated, or produced in the City plus any and all such compensation received by the franchisee or franchisee's subcontractors in connection with collecting, transporting, disposing, and/or recycling of solid waste produced, kept, or accumulated in the City, with the exception of compensation received from sale of material recovered through recycling.

IV. Each monthly franchise fee payment shall be calculated as 19.515 percent of the gross monthly receipts received in the preceding calendar month. Revenue from the franchise fee shall be divided as follows: 5.5 percent of the gross monthly receipts shall be paid to the City general fund (to a maximum of \$420,000 annually) and 10.5 percent of the gross monthly receipts shall be placed in a special fund account to be used only for costs stated in Public Revenue Code Section 41901 or any successor provision for preparing, adopting, and implementing an integrated Solid Waste Management Plan.


**ADOPTED** at the regular meeting of the City Council on the 18th day of May, 2009, by the following vote:

**AYES:** Councilmembers, Haderlein, Holden, Madison, McAustin, Robinson, Mayor Bogaard


**NOES:** None

**ABSENT:** Councilmember Tornek, Vice Mayor Gordo

**ABSTAIN:** None

  
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Mark Jomsky  
City Clerk

APPROVED AS TO FORM:

 4/16/09

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Nicholas George Rodriguez  
Assistant City Attorney

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