

RESOLUTION NO. _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN JOSE ADOPTING SERVICE RATES FOR THE
RESIDENTIAL GARBAGE AND RECYCLING PROGRAM
EFFECTIVE JULY 1, 2023, AND SUPERSEDING
RESOLUTION NO. 80555**

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

WHEREAS, on February 25, 1993, the City Council of the City of San José ("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. 64608; 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, on August 27, 1996, the City Council adopted Resolution No. 66857 to include certain rates for single-family extra services, and superseding 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 adopting Services Rates for the Recycle Plus Program, effective July 1, 2008, and superseding Resolution No. 73757; and

WHEREAS, on May 12, 2009, the City Council adopted Resolution No. 74905 to establish the Service Rates for the Recycle Plus Program, effective July 1, 2009, and superseding Resolution No. 74362; and

WHEREAS, on June 14, 2011, the City Council adopted Resolution No. 75859 to establish the current Service Rates for the Recycle Plus Program for Multi-Family service and Single-Family service; cap subscriptions to the Single-Family Low Income Rate Assistance program at the total annual rate subsidization of \$395,000, and superseding Resolution No. 74905; and

WHEREAS, on June 12, 2012, the City Council adopted Resolution No. 76273 to revise the Service Rates for the Recycle Plus Program, effective July 1, 2012, for Large Item Collection service, and superseding Resolution No. 75859; and

WHEREAS, on May 21, 2013, the City Council adopted Resolution No. 76643 to revise the Service Rates for the Recycle Plus Program, effective July 1, 2013 for on-demand

large collection services and optional subscription yard trimmings cart Collection services, and superseding Resolution No. 76273; and

WHEREAS, on May 13, 2014, the City Council adopted Resolution No. 76971 to revise the Service Rates for the Recycle Plus Program, effective July 1, 2014, for Multi-Family service and Single-Family service, and superseding Resolution No. 76643; and

WHEREAS, on June 16, 2015, the City Council adopted Resolution No. 77402 to revise the Service Rates for the Recycle Plus Program, effective July 1, 2015, for Multi-Family service, Single-Family service, Large Item Collection service and Subscription Yard Trimmings Cart service, and to eliminate LIRA, LIRA Large Family, and Special Medical service rates, and superseding Resolution No. 76971; and

WHEREAS, on June 14, 2016, the City Council adopted Resolution No. 77775 to revise the Service Rates for the Recycle Plus Program, effective July 1, 2016, for Multi-Family service and Large Item Collection service, and superseding Resolution No. 77402; and

WHEREAS, on June 6, 2017, the City Council adopted Resolution No. 78195 to revise the Service Rates for the Recycle Plus Program, effective July 1, 2017, for Multi-Family service and Single-Family service, and superseding Resolution No. 77775; and

WHEREAS, on June 5, 2018, the City Council adopted Resolution No. 78615 to revise the Service Rates for the Recycle Plus Program, effective July 1, 2018, and superseding Resolution No. 78195; and

WHEREAS, on June 11, 2019, the City Council adopted Resolution No. 79131 to revise the Service Rates for the Recycle Plus Program, effective July 1, 2019, and superseding Resolution No. 78615; and

WHEREAS, on June 9, 2020, the City Council adopted Resolution No. 79562 to revise the Service Rates for the Recycle Plus Program, effective July 1, 2020, and superseding Resolution No. 79131; and

WHEREAS, on June 15, 2021, the City Council adopted Resolution No. 80083 to revise the Service Rates for the Residential Garbage and Recycling Program (formerly “the Recycle Plus Program”), effective July 1, 2021, and superseding Resolution No. 79562; and

WHEREAS, on June 7, 2022, the City Council adopted Resolution No. 80555 to revise the Service Rates for the Residential Garbage and Recycling Program, effective July 1, 2022, and superseding Resolution No. 80083;

WHEREAS, on June 6, 2023, the City Council desires to revise the Service Rates for the Residential Garbage and Recycling Program, effective July 1, 2023, and superseding Resolution No. 80555;

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

SECTION 1. The Service Rates to be paid by persons for whom the Residential Garbage and Recycling Program services are made available shall be as set forth in Exhibit A, which is attached to and incorporated in this Resolution, effective July 1, 2023.

SECTION 2. This Resolution shall supersede Resolution No. 80555.

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 _____ day of _____, 2023, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

EXHIBIT A

**I. RESIDENTIAL GARBAGE AND RECYCLING SERVICE
RATES FOR GARBAGE
CART COLLECTION (SINGLE-FAMILY) SERVICE
EFFECTIVE JULY 1, 2023**

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

Disposal Cart Volume							
Service Level	32 Gallon	64 Gallon	96 Gallon	128 Gallon	160 Gallon	192 Gallon	224 Gallon
Standard ¹	\$51.40	\$102.80	\$154.20	\$205.60	\$257.00	\$308.40	\$359.80
On-Premises ^{1,2}	\$156.15	\$207.55	\$258.95	\$310.35	\$361.75	\$413.15	\$464.55
On-Premises/ Disabled ¹	\$51.40	\$102.80	\$154.20	\$205.60	\$257.00	\$308.40	\$359.80

Notes:

- ¹ Maximum Service Level is 224 gallons.
² Carts are serviced from the premise rather than curbside. On-Premises service is \$104.75 per month.

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

Service	Description	Service Rate
Extra Garbage Stickers	Resident purchases tag; attaches to 32-gallon garbage bag for collection	\$6.25 per sticker
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	\$0 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 plus the actual container replacement cost, including delivery costs
Collection of contaminated recycling cart	Contractor collects contaminated materials as garbage	\$15.00 per incident per cart
Yard Trimmings Cart Subscription Option	Resident requests cart for yard trimmings collection	\$6.85 per month per cart
Service Type Change between SFD and MFD	Fee for processing requests to change between SFD and MFD service.	Applied to Multi-Family bill; see section C.9 of Multi-Family Service for details.

II. RESIDENTIAL GARBAGE AND RECYCLING SERVICE RATES FOR GARBAGE BIN COLLECTION (MULTI-FAMILY) SERVICE EFFECTIVE JULY 1, 2023

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	1	2	3	4	5	Extra Pick-Up
1	1	\$149.48	\$270.76	\$392.07	\$513.40	\$634.73	\$64.32
1.5	1.5	\$187.78	\$344.51	\$501.27	\$658.05	\$814.77	\$73.17
2	2	\$227.05	\$419.28	\$611.49	\$803.69	\$995.88	\$82.11
3	3	\$303.75	\$566.90	\$830.00	\$1,093.13	\$1,356.20	\$99.92
4	4	\$380.51	\$714.56	\$1,048.52	\$1,382.56	\$1,716.60	\$117.77
5	5	\$457.21	\$862.11	\$1,267.08	\$1,672.04	\$2,076.98	\$134.64
6	6	\$533.95	\$1,009.82	\$1,485.66	\$1,961.47	\$2,437.34	\$153.39
8	8	\$687.40	\$1,305.07	\$1,922.70	\$2,540.35	\$3,158.02	\$189.03

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 \$71.47 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

<u>Monthly Rates for Regularly Scheduled Service</u>						Push Charge For Extra Pick-Up ²
Distance (in feet)	<u>Collections Per Week ^{1, 3}</u>					
	1	2	3	4	5	Per Bin/ Push
Up to 25	\$33.45	\$66.93	\$100.40	\$133.88	\$167.39	\$20.73
26 - 50	\$66.93	\$133.88	\$200.83	\$267.79	\$334.73	\$41.49
51 - 75	\$100.40	\$200.83	\$301.24	\$401.68	\$502.11	\$62.26
76 - 100	\$133.88	\$267.79	\$401.68	\$535.59	\$669.48	\$83.02
101 - 125	\$167.36	\$334.73	\$502.11	\$669.48	\$836.85	\$103.78
126 - 150	\$200.83	\$401.68	\$602.53	\$803.39	\$1,004.23	\$124.55
151 - 175	\$234.31	\$468.63	\$702.95	\$937.28	\$1,171.60	\$145.30
176 - 200	\$267.79	\$535.59	\$803.39	\$1,071.19	\$1,338.99	\$166.07

Notes:

- ¹ For regularly scheduled service, the monthly charge for pushes greater than 200 feet is \$33.45 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 \$33.45 x 12 x 3 = \$1,204.20
- ² For extra pick-ups with pushes greater than 200 feet, the push charge is 0.62 times \$33.45 multiplied by the number of 25-foot increments.
- ³ The garbage bin push rate includes the push of a recycling bin or carts the same distance and frequency.

2. Dismount And Push Charges For Recycling Carts ¹

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	\$33.45	\$20.72
51 - 75	\$66.92	\$41.46
76 - 100	\$100.38	\$62.19
101 - 125	\$133.85	\$82.93
126 - 150	\$167.31	\$103.67
151 - 175	\$200.78	\$124.41
176 - 200	\$234.25	\$145.15

Notes:

- ¹ Push rates apply to a single cart and to each set of 2 carts or 1 recycling bin. Example: The regularly-scheduled push charge for a distance of 26-50 feet for 3 carts or 4 carts is \$66.90; the regularly-scheduled push charge for a distance of 26-50 feet for 5 carts or 6 carts is \$100.35.
- ² For regularly scheduled service, the monthly charge for pushes greater than 200 feet is \$33.45 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 \$33.45 x 11 = \$367.95
- ³ For extra pick-ups, the charge for pushes greater than 200 feet is 0.62 multiplied by \$33.45 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 x \$33.45 x 11 = \$228.13

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	\$64.32	1	\$64.60
1.5	\$73.21	2	\$80.75
2	\$82.11	3	\$145.40
3	\$99.93	4	\$161.51
4	\$117.77	5	\$226.17
5	\$134.60	6	\$242.36
6	\$151.52	7	\$307.03
8	\$189.03	8	\$323.19
		9+	\$40.36 ¹

Notes:

- ¹ In situations where there are 9 or more contaminated recycling carts being collected, the rate is calculated by multiplying the total number of collected carts by the per cart rate of \$40.36. Example: The contaminated recycling cart pick-up charge for 9 carts is \$363.24; the contaminated recycling cart pick-up charge for 11 carts is \$443.96.

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. 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 \$65.96 per bin for bin pick-up and delivery

6. Lock Services

	Bins	Recycling Carts
Lock installed, Plus Key	\$296.45	\$172.45
Lock 3 Carts Together	NA	\$172.45
Repaired, Including Lock	\$191.82	\$131.75
Repaired, Excluding Lock	\$161.92	\$105.35
Removed, Damaged by Customer	\$219.18	\$172.45
Removed, Customer Request	\$109.56	\$105.35
Special Services, Welding or Retrofit, per hour	\$108.56	\$104.39

7. 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

8. 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: \$15.68 per month

9. Fee to Change between Single and Multi-Family Service

For processing requests to change between single-family and multi-family service, a Service Type Change fee may be charged at the discretion of the Environmental Services Department. The baseline fee is \$100.00 for up to four units and \$27.00 for each additional unit. Maximum charge per request is \$1,000. Service type changes that involve starting or stopping property tax billing must be requested by May 1 of each year for the change to be effective the following fiscal year. The fee will appear on the Multi-Family bill.

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; 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 360 and 370 calendar days for annual SFD accounts or between 25 and 35 calendar days for monthly 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	\$51.40	\$616.80	\$1.69
Multi-Family	1 Cu. Yd. Bin*	\$149.48	\$1,793.76	\$4.91

* Assumes collection frequency of once per week.

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