

ORDINANCE NO. _____

An ordinance amending Ordinance Nos. 26611, 26612, 26614, 26618, 26620, 26621, 26623, 26625, 26627, 26631, 26632, 26636, 26638, 26639, 26640, 26641, 26642, 26645, 26646, 26650, 26652, 26655, 26659, 26662, 26664, 26667, 26672, 26674, 26676, 26677, 26681, 26686, 26687, and 26688, passed by the Dallas City Council on March 28, 2007; Ordinance Nos. 26816, 26819, 26823, 26824, 26826, 26827, 26830, 26834, 26838, 26840, 26847, 26848, passed by the Dallas City Council on June 27, 2007; Ordinance Nos. 27164, 27165, 27171, passed by the Dallas City Council on May 14, 2008; Ordinance No. 27388, passed by the Dallas City Council on November 10, 2008; Ordinance Nos. 27591, 27593, 27596, passed by the Dallas City Council on June 24, 2009; Ordinance Nos. 27664, 27666, 27667, 27668, 27669, 27672, passed by the Dallas City Council on September 23, 2009; Ordinance Nos. 27724, 27725, 27757, 27835, 27837, 27839, passed by the Dallas City Council on April 14, 2010; Ordinance Nos. 27881, 27883, 27964, 27965, 28099, passed by the Dallas City Council on January 26, 2011; Ordinance Nos. 31798, 31800, passed by the Dallas City Council on March 24, 2021; increasing franchise fees for solid waste collection services; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council finds that it is in the public interest to increase the solid waste franchise fee. Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26611, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 2. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26612, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 3. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26614, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [~~four~~] percent [~~(4%)~~] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste

Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 4. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26618, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent [~~(4%)~~] of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar

month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 5. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26620, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [four] percent [(4%)] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 6. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26621, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of

this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 7. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26623, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than

the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 8. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26625, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [four] percent [(4%)] of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 9. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26627, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting

principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 10. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26631, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials."

SECTION 11. That Subsection (a), "Compensation Required," of Section 6, "Fees, Payments and Compensation," of Ordinance No. 26632, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

"a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues

shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 12. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26636, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [~~four~~] percent [~~(4%)~~] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 13. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26638, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 14. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26639, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [four] percent [(4%)] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste

Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 15. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26640, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent [~~(4%)~~] of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar

month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 16. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26641, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [four] percent [(4%)] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 17. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26642, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of

this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 18. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26645, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than

the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 19. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26646, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [four] percent [(4%)] of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 20. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26650, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting

principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 21. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26652, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent [~~(4%)~~] of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~[and]~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials."

SECTION 22. That Subsection (a), "Compensation Required," of Section 6, "Fees, Payments and Compensation," of Ordinance No. 26655, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

"a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~[four]~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues

shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 23. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26659, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [~~four~~] percent [~~(4%)~~] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 24. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26662, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 25. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26664, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [~~four~~] percent [~~(4%)~~] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste

Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 26. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26667, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent [~~(4%)~~] of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar

month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 27. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26672, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [four] percent [(4%)] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 28. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26674, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of

this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 29. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26676, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than

the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 30. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26677, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [four] percent [(4%)] of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 31. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26681, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting

principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 32. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26686, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent [~~(4%)~~] of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~[and]~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 33. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26687, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~[four]~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues

shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 34. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26688, passed by the Dallas City Council on March 28, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [~~four~~] percent [~~(4%)~~] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 35. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26816, passed by the Dallas City Council on June 27, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 36. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26819, passed by the Dallas City Council on June 27, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [~~four~~] percent [~~(4%)~~] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste

Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 37. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26823, passed by the Dallas City Council on June 27, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent [~~(4%)~~] of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar

month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 38. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26824, passed by the Dallas City Council on June 27, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [four] percent [(4%)] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 39. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26826, passed by the Dallas City Council on June 27, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of

this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 40. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26827, passed by the Dallas City Council on June 27, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than

the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 41. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26830, passed by the Dallas City Council on June 27, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [four] percent [(4%)] of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 42. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26834, passed by the Dallas City Council on June 27, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting

principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 43. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26838, passed by the Dallas City Council on June 27, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [four] percent [(4%)] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

- (i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;
- (ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~[and]~~
- (iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and
- (iv) revenues directly received or generated from the processing of recyclable materials."

SECTION 44. That Subsection (a), "Compensation Required," of Section 6, "Fees, Payments and Compensation," of Ordinance No. 26840, passed by the Dallas City Council on June 27, 2007, is amended to read as follows:

"a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~[four]~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues

shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 45. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 26847, passed by the Dallas City Council on June 27, 2007, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 46. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27164, passed by the Dallas City Council on May 14, 2008, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 47. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27165, passed by the Dallas City Council on May 14, 2008, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [~~four~~] percent [~~(4%)~~] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste

Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 48. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27171, passed by the Dallas City Council on May 14, 2008, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent [~~(4%)~~] of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar

month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 49. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27388, passed by the Dallas City Council on November 10, 2008, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [four] percent [(4%)] of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 50. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27591, passed by the Dallas City Council on June 24, 2009, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of

this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 51. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27593, passed by the Dallas City Council on June 24, 2009, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six ~~four~~ percent ~~[(4%)]~~ of the Franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than

the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

(i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;

(ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~and~~

(iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and

(iv) revenues directly received or generated from the processing of recyclable materials.”

SECTION 52. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27596, passed by the Dallas City Council on June 24, 2009, is amended to read as follows:

“a. Compensation Required.

Because the special use of the Public Ways by the Franchisee and the special business purpose for which the Public Ways are being used requires rental compensation for the rights and privileges granted under this Ordinance, the Franchisee shall pay the City throughout the term of this Ordinance a fee in an amount equal to six [four] percent [(4%)] of the Franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").

1. Except as provided in subsection a.4. below, Gross Receipts shall mean all revenues directly or indirectly received or generated by the Franchisee from or in connection with the operation of the Solid Waste Collection Service within the Authorized Area, which revenues shall be recorded on a cash accounting basis in accordance with generally accepted accounting principles and generally accepted government auditing standards. Gross Receipts shall also include revenues received by any entity other than the Franchisee, or for any apparent purpose other than the Solid Waste Collection Service, where necessary to prevent the evasion or avoidance of the obligation under this Ordinance to pay the Franchise Fee.

2. Gross receipts from customers utilizing the Solid Waste Collection Service shall be allocated to the City based upon whether or not the premises being provided Solid Waste Collection Service are located in the Authorized Area or not, and not by any other allocation method.

3. Gross receipts that are advertising revenues or other revenues whose source cannot be specifically identified with a particular Solid Waste Collection Service customer or directly from within the Authorized Area shall be allocated proportionately.

4. The following are excluded from gross receipts under this Section:

- (i) disposal fees paid to the City by the franchisee for disposal of solid waste at the City's landfill;
- (ii) revenues collected for Solid Waste Collection Service provided on behalf of the City through a written contract; ~~[and]~~
- (iii) the amount of annual documented bad debt write-offs due to uncollectible accounts for Solid Waste Collection Service, not to exceed 3% of gross receipts; and
- (iv) revenues directly received or generated from the processing of recyclable materials."

SECTION 53. That Subsection (a), "Compensation Required," of Section 6, "Fees, Payments and Compensation," of Ordinance No. 27664, passed by the Dallas City Council on September 23, 2009, is amended to read as follows:

"(a) Compensation required. Because the special use of the public ways by the franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six ~~[four]~~ percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee")."

SECTION 54. That Subsection (a), "Compensation Required," of Section 6, "Fees, Payments and Compensation," of Ordinance No. 27666, passed by the Dallas City Council on September 23, 2009, is amended to read as follows:

"(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental

compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee")."

SECTION 55. That Subsection (a), "Compensation Required," of Section 6, "Fees, Payments and Compensation," of Ordinance No. 27667, passed by the Dallas City Council on September 23, 2009, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee")."

SECTION 56. That Subsection (a), "Compensation Required," of Section 6, "Fees, Payments and Compensation," of Ordinance No. 27668, passed by the Dallas City Council on September 23, 2009, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized_during the

calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee").”

SECTION 57. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27669, passed by the Dallas City Council on September 23, 2009, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee").”

SECTION 58. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27672, passed by the Dallas City Council on September 23, 2009, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee").”

SECTION 59. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27724, passed by the Dallas City Council on November 9, 2009, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the “franchise fee”).”

SECTION 60. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27725, passed by the Dallas City Council on November 9, 2009, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the “franchise fee”).”

SECTION 61. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27757, passed by the Dallas City Council on December 9, 2009, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee").”

SECTION 62. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27835, passed by the Dallas City Council on April 4, 2010, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee").”

SECTION 63. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27837, passed by the Dallas City Council on April 14, 2010, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city

throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee")."

SECTION 64. That Subsection (a), "Compensation Required," of Section 6, "Fees, Payments and Compensation," of Ordinance No. 27839, passed by the Dallas City Council on April 14, 2010, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee").”

SECTION 65. That Subsection (a), "Compensation Required," of Section 6, "Fees, Payments and Compensation," of Ordinance No. 27881, passed by the Dallas City Council on May 26, 2010, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the

calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee")."

SECTION 66. That Subsection (a), "Compensation Required," of Section 6, "Fees, Payments and Compensation," of Ordinance No. 27883, passed by the Dallas City Council on May 26, 2010, is amended to read as follows:

"(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee")."

SECTION 67. That Subsection (a), "Compensation Required," of Section 6, "Fees, Payments and Compensation," of Ordinance No. 27964, passed by the Dallas City Council on August 25, 2010, is amended to read as follows:

"(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee's gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee")."

SECTION 68. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 27965, passed by the Dallas City Council on August 25, 2010, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the “franchise fee”).”

SECTION 69. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 28099, passed by the Dallas City Council on January 26, 2011, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the “franchise fee”).”

SECTION 70. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 31798, passed by the Dallas City Council on March 24, 2021, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "franchise fee").”

SECTION 71. That Subsection (a), “Compensation Required,” of Section 6, “Fees, Payments and Compensation,” of Ordinance No. 31800, passed by the Dallas City Council on March 24, 2021, is amended to read as follows:

“(a) Compensation required. Because the special use of the public ways by franchisee and the special business purpose for which the public ways are being used requires rental compensation for the rights and privileges granted under this ordinance, franchisee shall pay city throughout the term of this ordinance a fee in an amount equal to six [~~four~~] percent of franchisee’s gross receipts, calculated monthly and payable based on the gross receipts realized during the calendar month immediately preceding the calendar month in which the payment is due (hereinafter called the "Franchise Fee").”

SECTION 72. Ordinance Nos. 26611, 26612, 26614, 26618, 26620, 26621, 26623, 26625, 26627, 26631, 26632, 26636, 26638, 26639, 26640, 26641, 26642, 26645, 26646, 26650, 26652, 26655, 26659, 26662, 26664, 26667, 26672, 26674, 26676, 26677, 26681, 26686, 26687,

26688, 26816, 26819, 26823, 26824, 26826, 26827, 26830, 26834, 26838, 26840, 26847, 26848, 27164, 27165, 27171, 27388, 27591, 27593, 27596, 27664, 27666, 27667, 27668, 27669, 27672, 27724, 27725, 27757, 27835, 27837, 27839, 27881, 27883, 27964, 27965, 28099, 31798, 31800, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 73. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 74. That this ordinance shall take effect immediately from and after its passage and publication, in accordance with the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By _____
Assistant City Attorney

Passed _____