

RECORDING REQUESTED BY:

Board of Supervisors

WHEN RECORDED MAIL TO:

**Board of Supervisors
330 Fair Lane
Placerville, CA 95667**

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08/04/2011, 20110036442

SPACE ABOVE THIS LINE RESERVED FOR
RECORDER'S USE

TITLE (S)

**RESOLUTION NO. 138-2011 ESTABLISHING DELINQUENT MANDATORY
REFUSE COLLECTION FEES AS SPECIAL ASSESSMENTS AND PROVIDING FOR
COLLECTION AS AD VALOREM PROPERTY TAXES**



RESOLUTION NO. 138-2011
OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION ESTABLISHING DELINQUENT MANDATORY
REFUSE COLLECTION FEES AS SPECIAL ASSESSMENTS AND
PROVIDING FOR COLLECTION AS AD VALOREM PROPERTY TAXES

WHEREAS, the Board of Supervisors has previously adopted, on January 26, 1999, an Ordinance section 8.42.250, which authorizes delinquent mandatory garbage collection fees to be set forth in a report and the placement of a special assessment against the respective parcels of land and a lien on the property for the amount of such delinquent fees; and

WHEREAS, South Tahoe Refuse Co., Inc., forwarded a confirmed list of customers delinquent in their mandatory garbage collection fees and requested Environmental Management Department to initiate the *Lien for Ninety (90) Day Delinquencies* as in accordance with El Dorado County Ordinance section 8.42.250; and

WHEREAS, the Environmental Management Department has prepared a written Report describing each parcel of property which will be charged for delinquent fees; and

WHEREAS, on May 6, 2011, a Notice of Possible Lien Proceedings for Unpaid Mandatory Garbage Collection Service was mailed to landowners; and

WHEREAS, on June 3, 2011, a Notice of Appeal Hearing Regarding Possible Lien Proceedings For Unpaid Mandatory Garbage Collection Service was mailed to landowners; and

WHEREAS, on June 21, 2011, an Appeal Hearing Regarding Possible Lien Proceedings For Unpaid Mandatory Garbage Collection Service was held by the El Dorado County Environmental Management Department; and

WHEREAS, on July 13, 2011, a Notice of Lien Proceedings for Unpaid Mandatory Garbage Collection Service and Notice of Public Hearing was mailed to the landowners; and

WHEREAS, on August 2, 2011, the Board of Supervisors held a duly noticed public hearing, and received and considered documentation and testimony of landowners liable to be assessed for delinquent fees; and

WHEREAS, the Board determined that delinquent mandatory garbage collection fees should be considered as a special assessment and collection will be provided in the same manner as ad valorem property taxes.

NOW, THEREFORE, BE IT RESOLVED that the El Dorado County Board of Supervisors determines that:

1. The Report of Delinquent Fees shall become a Special Assessment.
2. The Environmental Management Department shall file the attached certified copy of Ordinance section 8.42.250 Lien List Exhibit A with the County Auditor, on or before August 10, 2011, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll.

- 3. The assessment may be collected as the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided as such taxes.
- 4. On behalf of the County, authorize the Environmental Management Department Director, or their designee, to prepare and execute release of lien upon payment of delinquent fees.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 2nd day of August, 20 11,
 by the following vote of said Board:

Ayes: Santiago, Knight, Nutting, Sweeney, Briggs

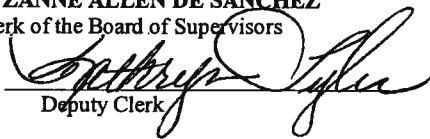
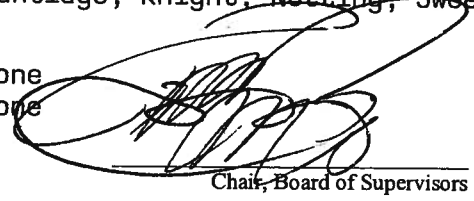
Noes: none
 Absent: none

ATTEST:

SUZANNE ALLEN DE SANCHEZ
 Clerk of the Board of Supervisors

By _____

Deputy Clerk

Chair, Board of Supervisors

Ron Briggs, Second Vice Chair

I CERTIFY THAT:

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE _____

ATTEST: SUZANNE ALLEN DE SANCHEZ, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By _____

Deputy Clerk

RECEIVED
BOARD OF SUPERVISORS
EL DORADO COUNTY

2011 AUG -1 AM 9:17

South Tahoe Refuse							
Lien List							
El Dorado County Residential Accounts							
Updated list as of July 28, 2011							
LastName	FirstName	Service Address	APN#	Delinquent Amount			
ARONOFF	LLOYD	1325 PINE VALLEY RD	081-141-24-100	\$ 315.24			
BAGNALL	L ROBERT	1631 SAWMILL RD	033-180-30-100	\$ 315.24			
BLANK	CARMEN	2998 KOKANEE TRAIL	080-193-14-100	\$ 215.24			
BOWMAN	WALTER MICHAEL	2531 ALICE LAKE RD	025-645-05-100	\$ 315.24			
BROWN	JUDY	1530 MEADOW VALE DR	033-231-01-100	\$ 315.24			
BROWNELL	DEBORAH	955 OMAHA ST	033-783-02-100	\$ 157.62			
CARLSON	MICHAEL	2465 COUGAR TR	080-113-06-100	\$ 315.24			
CARLSON	LEO	1577 PLAYER DR	081-121-06-100	\$ 315.24			
CARR	DAVID	1468 APPLE VALLEY DR	033-216-04-100	\$ 315.24			
CASH SR	WENDY T	1995 CHEROKEE ST	034-253-10-100	\$ 315.24			
CHANCE	JONATHAN	2641 LIPAN ST	035-283-21-100	\$ 315.24			
CHIARPOTTI	DAVID & PAULA	1369 N UPPER TRUCKEE RD	033-481-25-100	\$ 236.43			
CLARK	ROXANNE	1461 CHERRY HILLS CIR	033-213-06-100	\$ 315.24			
COCHRAN	ERIC	3400 PANORAMA DR	036-541-08-100	\$ 315.24			
COHN	CHARLES	1641 PEBBLE BEACH DR	033-751-05-100	\$ 82.57			
COLEMAN	NEIL & ANDREA & GERALD	857 MULE DEER CIR	033-272-03-100	\$ 170.77			
CONNELL III	ALEST	1657 TIONONTATI ST	081-092-12-100	\$ 315.24			
COOK	JOHN CHARLES	1218 TOKOCHI ST	033-642-05-100	\$ 315.24			
COSTER	BRUCE M & BEATRICE A	1915 BLACKFOOT RD	034-083-03-100	\$ 236.43			
COWAN	ALAN R	2843 SAINT NICK WAY	036-422-06-100	\$ 228.25			
CRANSTON	CAROL	1650 CHERRY HILLS CIR	033-302-02-100	\$ 315.24			
DALO	KENNETH	872 MULE DEER CIR	033-273-21-100	\$ 315.24			
DELGADO	JULIA	1902 KOYUKON DR	033-861-05-100	\$ 236.43			
DEMEMO	RENE	2710 ELATI ST	035-284-02-100	\$ 148.02			
DEUTSCHE BANK NATL TR	LOUIE & JANET	1589 ARAPAHOE ST	033-601-03-100	\$ 242.14			
EDISON		3672 S UPPER TRUCKEE RD	036-462-06-100	\$ 315.24			
FIGARI	TIM	2494 BLITZEN RD	035-251-04-100	\$ 297.59			
	RICK	2332 BLITZEN RD	035-233-33-100	\$ 315.24			

South Tahoe Refuse									
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LastName	FirstName	Service Address	APN#	Delinquent Amount					
FISHER	KENT NAMY	1339 MEADOW CREST DR	025-341-14-100	\$ 315.24					
FROBERG	VICTOR	2080 MEWUK DR	034-562-04-100	\$ 315.24					
FULWILER	CURTIS & DIANE	2696 GENOA AVE	025-353-07-100	\$ 315.24					
GATIEN	LANCE & CAROL	1109 APACHE AVE	034-242-01-100	\$ 306.86					
GAY	LESLIE A	2180 SHAWNEE ST	034-593-02-100	\$ 315.24					
GRECH	CHARLES & JOAN E	1455 SEMINOLE DR	034-481-02-100	\$ 315.24					
HARRIS	MARJORIE	2035 ARROWHEAD AVE	034-321-03-100	\$ 152.59					
HECKERT	MARK	1544 CRYSTAL AIR DR	081-072-20-100	\$ 315.24					
HUMMELL	PHILLIP & DEBORAH	1925 JICARILLA DR	080-092-08-100	\$ 315.24					
HUSTLER	DALE & DONNA	1805 ELKS CLUB DR	081-042-22-100	\$ 315.24					
JOHNSON	TIMOTHY	1746 FORTUNE WAY	025-601-07-100	\$ 315.24					
KAWASAKI	KEVIN	2279 SUTTER TRAIL	025-756-02-100	\$ 315.24					
KAWASAKI	KEVIN	1902 JICARILLA DR	080-091-04-100	\$ 315.24					
KOLARI	KIM & ANNA	2582 HUMBOLDT ST	025-433-02-100	\$ 315.24					
LARAZO	LARA	1896 TOPPEWETAH ST	034-513-18-100	\$ 157.62					
LATHROP	MARK	1701 TIONONTATI ST	081-092-02-100	\$ 315.24					
LEMKE	GARY	567 LAKE TAHOE BLVD	033-501-13-100	\$ 315.24					
LICHTENSTEIN	RUBIN	2282 BLITZEN RD	035-233-03-100	\$ 400.24					
LUNDGREN-LINDSTROM	AMY	2859 SAINT NICK WAY	036-422-04-100	\$ 315.24					
LOANE	KAREN	1630 MERION DR	033-312-12-100	\$ 266.79					
MALISKA	GEOFF	1885 APALACHEE DR	033-705-11-100	\$ 102.16					
MARGARETICH	ED	1767 MANDAN ST	081-113-05-100	\$ 315.24					
MARTIN	MARY	1510 ZAPOTEC DR	034-683-08-100	\$ 315.24					
MARTINEZ	MELODY	2595 COPPER WAY	028-442-28-100	\$ 157.62					
MARX	PHILLIP KIM & SUSAN	1284 MTN MEADOW DR	033-503-15-100	\$ 157.62					
MARX	PHILIP K	1279 MTN MEADOW DR	033-504-03-100	\$ 157.62					
MARX	PHILIP K	1266 MTN MEADOW DR	033-503-13-100	\$ 157.62					
MC CALL	RALPH	2695 CLEAR CREEK RD	025-341-10-100	\$ 315.24					

South Tahoe Refuse									
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El Dorado County Residential Accounts									
Updated list as of July 28, 2011									
Last Name	First Name	Service Address	APN#	Delinquent Amount					
MC CREADY	JESSE T	1619 ARROWHEAD AVE	034-202-04-100	\$ 278.91					
MC LEOD	BLAIR & JAMIE	1087 MODOC WAY	034-382-01-100	\$ 92.99					
MC NUTT	REX	1829 BAKERSFIELD ST	034-811-04-100	\$ 315.24					
MORGAN	BRENDA	1527 TAMOSHANTER DR	033-233-18-100	\$ 315.24					
MORGAN	RANDY	596 COCHISE CIR	033-372-04-100	\$ 157.62					
MUSKOVITZ	ADAM	1842 HEKPA DR	033-653-08-100	\$ 236.43					
NAJI	SOLMAZ	2540 COLD CREEK TR	025-431-08-100	\$ 315.24					
NEWCOMB	RYAN	963 KIOWA DR	033-821-11-100	\$ 101.96					
NORRIS	AARON L & BARBARA	1104 ACOMA CIR	033-673-06-100	\$ 315.24					
NOWOTNY	REGINA	1888 GUADALUPE ST	080-102-08-100	\$ 315.24					
PARKER	DONALD	1592 PLUMAS CIR	034-121-03-100	\$ 254.95					
PARKS	MICHAEL & WANDA	2515 COLD CREEK TR	025-432-03-100	\$ 313.29					
PARNELL	PATRICK	967 KEKIN ST	035-271-20-100	\$ 249.17					
PASTORY	CONNIE	2375 SIERRA HOUSE TR	025-734-09-100	\$ 313.29					
PERRY	GINA	1605 PIONEER TRAIL	033-651-07-100	\$ 313.29					
PETTY	KAREN M	1874 APACHE AVE	034-085-06-100	\$ 157.62					
QUINLAN	BRENDAN	2289 CHIAPA DR	035-171-11-100	\$ 313.29					
RANIERI	ROBERT	1091 WASHOAN BLVD	033-671-04-100	\$ 157.62					
REDDING	NANCY S	2685 HENDERSON ST	035-273-25-100	\$ 94.43					
REIER	COREY	1709 NADOWA ST	033-875-04-100	\$ 313.29					
SACCOMAN	NEIL & KATHLEEN	1515 OJIBWA ST	034-692-17-100	\$ 313.29					
SIGNOR	RUSSELL F	1675 CHOCTAW ST	034-221-34-100	\$ 313.29					
SILVA	ANTHONY R	730 LITTLE BEAR LN	033-491-03-100	\$ 236.43					
SPENCER	BRIAN D	1911 BELLA COOLA DR	034-095-08-100	\$ 313.29					
STEPHENS	TIMOTHY	1771 SAWMILL RD	033-180-33-100	\$ 1,253.16					
TAYLOR	JON	1464 MT SHASTA CIR	033-466-13-100	\$ 313.29					
VASQUEZ	SALVADOR & G	2795 SAINT NICK WAY	036-412-04-100	\$ 313.29					
VASS	IRA & OLGA	1485 CRYSTAL AIR DR	081-064-21-100	\$ 313.29					

South Tahoe Refuse				
Lien List				
El Dorado County Residential Accounts				
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LastName	FirstName	Service Address	APN#	Delinquent Amount
VELTEN	REGINALD & DIANE	1921 ARROWHEAD AVE	034-294-26-100	\$ 313.29
VENTO	ILOY & HEIDI	1588 CHERRY HILLS CIR	033-292-07-100	\$ 313.29
WILCOX	MARRIOTT	2692 GENOA AVE	025-301-20-100	\$ 313.29
WONG	WILLIAM N & ALICE	1099 TOMAHAWK LN	034-261-02-100	\$ 157.62
				\$ 24,692.80

TRP:ljb
8-42.garbage
1-04-99

Exhibit A



ORDINANCE No. 4525

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES
ORDAIN AS FOLLOWS:**

**ESTABLISH MANDATORY GARBAGE SERVICE, PROVIDE
RULES AND REGULATIONS GOVERNING THE
COLLECTION, HANDLING AND DISPOSAL OF SOLID
WASTE AND OTHER OPERATING REGULATIONS**

WHEREAS, the Board of Supervisors finds and declares:

A. That, pursuant to the California Integrated Waste Management Act of 1989 (Public Resources Code Sections 40000 et seq.), the Legislature has mandated that local agencies make adequate provisions for Solid Waste handling within their jurisdictions; and

B. That to protect the health, safety and welfare of the County's constituency, it is in the public's best interest to establish exclusive franchises for the mandatory collection, disposal and processing of solid waste and recyclable materials.

C. That, pursuant to state law, El Dorado County is authorized to execute its powers for the purpose of the collection or disposal of garbage or refuse matter and may contract for the collection and disposal of garbage or refuse matter.

Section 1. Article II of Chapter 8.42 of Title 8 of the El Dorado County Ordinance Code, sections 8.42.200 through 8.42.260, is hereby repealed and superseded as follows:

8.42.200 Mandatory Collection Areas.

A. A mandatory collection area is established and shall consist of the unincorporated areas described below in the South Lake Tahoe Basin within El Dorado County included in the area more particularly described as follows:

All of Township 13 North, Range 18 East, M.D.B. & M., lying within the boundaries of the County of El Dorado.

All of Township 12 North, Range 18 East, M.D.B. & M., lying within the boundaries of the County of El Dorado.

All of Township 11 North, Range 18 East, M.D.B. & M., lying within the boundaries of the County of El Dorado.

Excepting therefrom that processing of Section 6 in said township lying westerly of U.S. Highway 50 and further excepting

Ordinance No. 4525

Page 2

from said township all of Section 7 but that portion of the Northeast Quarter thereof lying easterly of U.S. Highway 50.

All of Sections 22, 23, 25, 26, 27, 28, 33, 34, 35, 36 in Township 13 North, Range 17 East, Section 1, 2, 11, 12, 13, 14, 23, 24 and East half Sections 3, 10, 15, 22 of Township 12 North, Range 17 East.

B. The boundaries of the Cameron Park Community Services District as presently constituted at time of Ordinance passage, and as amended in the future by the El Dorado County Local Agency Formation Commission.

C. Other mandatory collection areas may be established by Ordinance by the Board of Supervisors as found to be necessary for the public health and welfare or required to implement state laws.

8.42.210 Liability for Payment of Fees-Mandatory Collection.

Each owner, occupant or person in possession, charge or control of any collection premises located in a mandatory collection area is hereby made liable jointly and severally for the payment of the solid waste collection, processing and disposal fees levied against such premises for required solid waste collection, processing and disposal services, irrespective of the actual use of the service provided by the district or grantee. Services made available to those premises required to receive such service shall be considered as services utilized. It shall be the primary duty of the owner of such premises to provide for the payment of the services.

8.42.220 Billing Cycle and Penalty for Delinquent Payments.

Solid waste collection fees may be billed and paid in advance on a quarterly or bi-monthly basis. Payment shall be due upon, and shall become delinquent fifteen (15) days after the date of any billing. A finance charge and late payment penalty as permitted by law shall be added at the end of each month following the delinquency date.

8.42.230 Discontinuation of Service.

The county or grantee may discontinue service for any customer whose account remains unpaid for sixty (60) days after the date of billing as long as the customer has received a notice on a form approved by the director of the county stating that service will be discontinued fifteen (15) days from the date of the notice if payment is not made by that time. Upon payment of the delinquent fees, collection shall resume on the next regularly scheduled collection day. Fees shall be continued to be assessed and billed notwithstanding that service has been discontinued and notice of same shall be included in the form sent to the customer.

8.42.240 Fee a Civil Debt. The fees levied for service for solid waste collection shall constitute a civil debt and liability owing to El Dorado County and/or any grantee from the person using or chargeable for such services and shall be collectible in the same manner provided by law.

8.42.250 Lien for Ninety (90) Day Delinquencies. Mandatory collection fees authorized pursuant to this article which remain unpaid for a period of ninety (90) or more days after the date upon which they were billed may be collected thereafter by El Dorado County as provided herein.

A. Once a year the board of supervisors shall cause to be prepared a report of delinquent fees. The Board shall fix a time, date and place for hearing the report and any objections or protests thereto.

B. The board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than ten (10) days prior to the date of the hearing.

C. At the hearing, the board shall hear any objections or protests of landowners liable to be assessed for delinquent fees. The board may make such revisions or corrections to the report as it deems just, after which by resolution, the report shall be confirmed.

D. The delinquent fees set forth in the report as confirmed shall constitute special assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the county auditor, on or before August 10, for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county recorder of the county in which the property is situated, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of county ad valorem property taxes shall be applicable to such assessment, except that if any real property to which such lien would attach has been transferred or conveyed to a bonafide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach

to such real property and the delinquency fees, as confirmed, relating to such property shall be transferred to the unsecured roll for collection.

8.42.255 General Exemptions-Mandatory Collection Area.

A. The provisions of this Article shall not apply to any of the residential units or commercial enterprises hereafter described:

1. To residential units in a motel or hotel containing more than three (3) units, where not more than twenty-five percent (25%) of the total number of units are residential units and where the franchisee is satisfied that adequate solid waste collection and disposal is provided by such motel or hotel;

2. To residential units which are not connected to water and electrical power and where water and electrical power cannot be provided to such premises without action by a public utility or mutual water company; provided that such exemption shall terminate upon occupancy of such units;

3. To commercial enterprises from which the owner of the premises on which the commercial enterprise is operated ~~collects and disposes of solid waste from such premises in~~ compliance with all applicable laws, ordinances and regulations.

B. Any person claiming an exemption pursuant to this section shall file a statement under oath or under penalty of perjury with the franchise stating the facts upon which exemption is claimed and, in the absence of such statement substantiating the claim, such person shall be liable for the payment of the solid waste collection fees required by this article.

C. The franchisee, after giving notice of not less than ten (10) days and a reasonable opportunity for hearing to any person claiming an exemption pursuant to this section, may revoke any exemption granted upon information that the person is not entitled to the exemption as provided herein.

8.42.260 Complaint Procedures. The director of environmental management, or his designee, shall adopt an administrative complaint procedure whereby customers may file complaints regarding service or any other matter arising out of the services provided under this article. Appeals from any determinations made pursuant to this administrative procedures may be made to the board of supervisors in accordance with Chapter 2.09 of the El Dorado County Code.

Ordinance No. 4525
Page 5

Section 2. This ordinance shall take effect and become effective thirty (30) days after the adoption hererof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 26TH day of JANUARY, 1998 by the following vote of said Board:

ATTEST

DIXIE L. FOOTE
Clerk of the Board of Supervisors

Margaret E. Crosby
Deputy Clerk

Ayes: SUPERVISORS: WILLIAM S. BRADLEY,
RAYMOND J. NUTTING, J. MARK NIELSEN,
PENNY HUMPHREYS, DAVID A. SOLARO

Noes: NONE

Absent: NONE

Jim Mullen
Chairman, Board of Supervisors

I CERTIFY THAT:
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date _____

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors
of the County of El Dorado, State of California.

By _____
Deputy Clerk