



RESOLUTION NO. XXX-2023

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

RESOLUTION CONFIRMING THE ANNUAL WRITTEN REPORT FOR PREVIOUSLY ESTABLISHED WASTE MANAGEMENT FEES FOR THE 2023/2024 FISCAL YEAR FOR ZONES OF BENEFIT WITHIN COUNTY SERVICE AREA NO. 10

WHEREAS, the Board of Supervisors of the County of El Dorado formed County Service Area (CSA) No. 10 pursuant to Title 3, Division 2, Part 2, Chapter 2.2 of the California Government Code and established zones of benefit within CSA No. 10; and

WHEREAS, pursuant to former Government Code §§ 25210.77a and 25210.77e, given continuing effect through Government Code § 25210.3(d), and Government Code § 25830, the Board of Supervisors, acting as the governing board of CSA No. 10, established a schedule of fees to be imposed on land within CSA No. 10 zones and on land within the cities of Placerville and South Lake Tahoe, with the consent of the legislative body of each city, to be used for the acquisition, operation, and maintenance of county waste disposal sites and for financing waste collection, processing, reclamation, and disposal services; and

WHEREAS, former Government Code § 25210.77a authorizes the governing board to adopt an ordinance for the collection of such charges on the tax roll in the same manner and at the same time as ad valorem real property taxes are collected within the zones; and

WHEREAS, the Board of Supervisors adopted Ordinance No. 3555, codified in County Ordinance Code Chapter 3.30, establishing a procedure for imposing and collecting the charges; and

WHEREAS, former Government Code § 25210.77a(a) and County Ordinance Code § 3.30.020 require the preparation of an annual written report containing a description of each parcel of real property receiving the particular extended service and the amount of the charge for each parcel for such year; and

WHEREAS, in addition to the foregoing, Public Resources Code § 41901, the California Integrated Waste Management Act of 1989 (AB 939), as from time to time amended, provides the County with authority to impose and collect fees sufficient to cover the cost of preparing, adopting, and implementing a waste management program prepared pursuant to AB 939; and

WHEREAS, certain programs have been previously established for Zone of Benefit C and the City of South Lake Tahoe within CSA No. 10 to comply with the Clean Tahoe Program and provisions of the California Integrated Waste Management Act of 1989; and

WHEREAS, in establishing the preexisting waste management fee schedule, the Board classified the parcels by category and ownership based upon the various uses to which the land is put, the volume of waste resulting from the different land uses, and any other factors that reasonably relate the waste disposal fee to the land upon which the fee would be imposed; and

WHEREAS, a written report of the proposed schedule of waste management fees fiscal year 2023/2024 for parcels within CSA No. 10 zones of benefit, including the cities of Placerville and South Lake Tahoe, is on file with the Clerk of the Board of Supervisors; and

WHEREAS, the total cost of the extended services within CSA No. 10 zones of benefit are apportioned in proportion to and are reasonably related to the estimated benefits to be received by each parcel and the fees do not exceed the reasonable cost of the services for which they are imposed; and

WHEREAS, the proposed waste management fee schedule in the amounts shown in the written report and summarized in Exhibit B, attached hereto and incorporated herein by reference, are based on the same parcel categories and ownership classifications used in prior fiscal years, and are a continuation of preexisting fees that have been collected since the late 1980's and early 1990's in the same amounts with no increase over prior fiscal years; therefore the fees are exempt from the requirements of Article XIID of the California Constitution pursuant to Government Code § 53750; and

WHEREAS, on June 20, 2023, as required by Government Code § 25210.77a(b) and County Ordinance Code § 3.30.030, the Board of Supervisors held a duly noticed public hearing to consider any objections or protests to the written report.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that:

1. The previously established equivalent dwelling unit (EDU) multipliers for the various uses to which land is put within CSA No. 10, as set forth in Exhibit A – Solid Waste and Household Hazardous Waste Generation Table of Equivalent Dwelling Units for CSA No. 10 Fiscal Year 2023/2024, are hereby approved and confirmed without change.
2. For the purposes of imposition of the fee(s), an improved parcel, business, or real property interest shall be any such parcel, business, or real property interest which has an assessed value of \$10,000 or greater, as shown on the latest property tax assessment roll.
3. The written report on file with the Clerk of the Board of Supervisors describing the preexisting schedule of fees for waste management services, as summarized in Exhibit B – County Service Area No. 10 Annual Report of Waste Management Fees Fiscal Year 2023/2024, with no increase over current levels, is hereby approved and confirmed without change for the fiscal year 2023/2024 commencing July 1, 2023.
4. The Board has established by Resolution 081-2013 a procedure, which remains in effect, for review and appeal of any waste management fee assessed to any particular parcel, business, or property interest and may adjust the same as deemed appropriate.
5. The fees shall be distributed in accordance with the final budgets for the zones, as approved by the Board of Supervisors during County budget hearings and amendments thereto.
6. The AB 939 fees for the City of South Lake Tahoe shall be disbursed in accordance with Resolution 173-2013, as amended on June 6, 2015 by Resolution 090-2015.
7. The schedule of fees as approved and confirmed herein shall appear as a separate item on the tax bill of each parcel and shall be levied and collected in the same manner as County ad valorem taxes are collected, as more specifically set forth and authorized by County Ordinance Code § 3.30.040 and subdivision (d) of former § 25210.77a of Government Code, as given continuing effect through subdivision (d) of § 25210.3 of Government Code, or as directed by the Community Development Services Environmental Management Department, as appropriate to the particular land and fee involved.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the ____ day of _____, 20__, by the following vote of said Board:

Attest:
Kim Dawson
Clerk of the Board of Supervisors

Ayes:
Noes:
Absent:

By: _____
Deputy Clerk

Chair, Board of Supervisors