



County of El Dorado

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Legislation Details (With Text)

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Type: Agenda Item **Status:** Adopted

File created: 5/7/2013 **In control:** Board of Supervisors

On agenda: 6/18/2013 **Final action:** 6/18/2013

Title: Community Development Agency, Administration and Finance Division, recommending the Board consider the following:
1) Adopt Resolution 080-2013 confirming the Waste Management Fees for the 2013/2014 fiscal year for County Service Area No.10, noting this is a continuation of existing fees with no increase over current levels; and
2) Adopt Resolution 081-2013 establishing an appeal process for County Service Area No.10 Waste Management fees.

FUNDING: Benefit Assessments.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A-Contract Routing Sheet-Fee Confirmation 6-18-13, 2. B-CSA 10 Resolution Confirming Waste Management Fees 13-14 6-18-13, 3. B1-Exhibit A to Resolution Confirming Fees 6-18-13, 4. B2-Exhibit B to Resolution Confirming Fees 6-18-13, 5. C-CSA 10 Parcel List 6-18-13, 6. D-Contract Routing Sheet-Appeals 6-18-13, 7. E-Resolution Establishing Appeal Process 6-18-13, 8. F-Appeal Form. 6-18-13, 9. Fully executed Resolution 080-2013.pdf, 10. Fully executed Resolution 081-2013.pdf

Date	Ver.	Action By	Action	Result
6/18/2013	1	Board of Supervisors	Adopted	Pass

Community Development Agency, Administration and Finance Division, recommending the Board consider the following:

1) Adopt Resolution **080-2013** confirming the Waste Management Fees for the 2013/2014 fiscal year for County Service Area No.10, noting this is a continuation of existing fees with no increase over current levels; and
2) Adopt Resolution **081-2013** establishing an appeal process for County Service Area No.10 Waste Management fees.

FUNDING: Benefit Assessments.

BUDGET SUMMARY:	
Total Estimated Cost.....	\$ 2,244,593.40
Budgeted.....	\$ 2,244,593.40
New Funding.....	
Savings.....	
Other.....	
Total Funding Available.....	\$ 2,244,593.40

Change To Net County Cost.....	\$ 0.00

Fiscal Impact/Change to Net County Cost

Without adoption of the proposed fees, current waste management programs will incur a severe deficit. There is no Net County Cost.

Estimated Revenue:

<u>Direct Charge Code</u>	<u>Fee Description</u>	<u>Projected Revenue 13/14</u>
20552	Solid Waste	\$ 1,354,391.20
20553	Liquid Waste (Septage)	432,732.00
20554	Litter Abatement	56,152.20
20622	Household Hazardous Waste	334,460.10
20623	SLT AB939	66,857.90

Background

Chapter 2.5 of the California Government Code, also known as "County Service Area Law" contains the regulations for establishing and governing county service areas. This chapter replaced Chapter 2.2, formerly used for the same purpose, through the adoption of Senate Bill 1458 effective January 1, 2009.

Revised County Service Area Law omits Section 25210.77a which authorizes the Board of Supervisors to fix and collect benefit assessments to fund services within a County Service Area, and Section 25210.77e which authorizes the Board to establish and collect fees to fund the acquisition, operation and maintenance of waste disposal sites and for financing waste collection, processing, reclamation and disposal services. Such assessments and fees remain valid, as provided for in Section 25210.3(d) of the new Chapter, which states:

"Any indebtedness, bond, note, certificate of participation, contract, special tax, benefit assessment, fee, charge, election, ordinance, resolutions, regulation, rule or any other action of a board taken pursuant to the former Chapter 2.2 before January 1, 2009, shall not be impaired or voided solely because of the enactment of this chapter or any error, omission, informality, misnomer, or inconsistency with this chapter."

Additionally, the reporting and hearing requirements of former Section 25210.77a and County Ordinance Code Chapter 3.30 remain applicable to such assessments imposed pursuant to that section.

Former Government Code Section 25210.77a (a) and County Ordinance Code Section 3.30.020 include a requirement that, once each year, the Board of Supervisors receive a report containing a description of each parcel of real property receiving the particular extended service and the amount of the charge for each parcel computed in conformity with the ordinance authorizing collection of the charges on the tax roll.

Former Government Code Section 25210.77a(b) and County Ordinance Code Section 3.30.030 also require a public hearing to be set for the purpose of registering protests to the rates to be fixed by the Board, at the conclusion of which the Board may adopt, revise, change, reduce or modify the benefit assessments and confirms the content of the annual report.

Former Government Code Section 25210.77e provides that the Board shall establish a category of land for which no services are provided and no fee required, and shall determine eligibility for inclusion in such category, upon application, on a case-by-case basis. The Resolution establishing an appeal process for County Service Area No.10 Waste Management fees and the application included as Exhibit C satisfy this provision. If adopted, the Resolution will have continued effect until such time as it is extinguished by future action of the Board. Therefore, it will not be necessary to renew the appeal process each year.

Reason for Recommendation

County Service Area No.10 was formed to provide certain services within the incorporated and unincorporated areas of the County, including household hazardous waste management, solid waste management, and liquid waste management. The city council of the City of Placerville and City of South Lake Tahoe each consented by resolution, to being included in the County Service Area.

There are four zones of benefit within County Service Area No. 10 including: the City of South Lake Tahoe; Zone of Benefit C, which includes the unincorporated area of the Tahoe Basin; the West Slope of the County including the City of Placerville; and the unincorporated area of the West Slope of El Dorado County, which excludes the City of Placerville. The lands included in County Service Area No.10 and each of the zones are subject to fees assigned for specific waste management services. The fees are assigned to improved parcels of land, business interests or interests in real property with an assessed value of \$10,000 or greater, and are based on the use of the land and the volume of waste occurring from the use, described as an equivalent dwelling unit (EDU). A detailed description of the property uses and equivalent dwelling units used to calculate the fees is included with Exhibit A of the attached Resolution.

A detailed list of each zone funded through the waste management fees is included with Exhibit B of the attached Resolution. The summary includes the direct charge code assigned to each fee amount, a description of the geographic area subject to the fee, the types of services provided and a summary description of how revenues generated by the fees are expended.

The fees are a continuation of existing fees that have been in place since the late 1980's and early 1990's and represent no increase over current levels.

A public hearing to consider adoption of the resolution confirming the waste management fees has been scheduled for June 18, 2013 at 9:00 a.m., and noticed as required by County ordinance and former Government Code Section 25210.77a. Notice is scheduled for publication in theTahoe Tribune on May 31, 2013 and June 7, 2013, in the Georgetown Gazette on May 30, 2013 and June 6, 2013, and in the Mountain Democrat on June 3, 2013 and June 14, 2013.

Action(s) to be taken following Board approval

1. The Clerk of the Board will: a) have the Resolutions recorded upon signature by the Chair, and b) provide a certified copy of each of the Resolutions to the Community Development Agency, Administration and Finance Division for implementation as authorized by law.
2. The Administration and Finance Division will provide the Auditor Controller with a certified copy of the Resolution and a list of the affected Assessor's Parcel Numbers with the approved waste management fee amounts for each parcel.
3. The Administration and Finance Division will facilitate any appeals to County Service Area No.10 Waste Management Fees as appropriate, on a case by case basis for consideration of the Board.

Contact

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Concurrences

County Counsel