



County of El Dorado

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Legislation Details (With Text)

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On agenda: 6/5/2018 **Final action:** 6/5/2018

Title: HEARING - Community Development Services, Environmental Management Department, recommending the Board:

- 1) Conduct a public hearing to consider public comment on the Annual Written Report of Waste Management Fees County Service Area 10; and
- 2) Adopt and authorize the Chair to sign Resolution 107-2018 confirming the Annual Written Report and authorizing the waste management fees to be collected in the same manner as the County's ad valorem real property taxes for Fiscal Year 2018/19, noting that the pre-existing benefit assessments/service charges have been in place and collected since prior to the effective date of Proposition 218, with no increases in the amounts and no change in the methodology for calculating said amounts. (Est. Time: 5 Min.)

A public hearing to consider the proposed assessments has been scheduled for June 5, 2018 at 10:00 a.m., and noticed as required by Government Code section 25210.77a. Notice is scheduled for publication in the Georgetown Gazette on May 24 and May 31, 2018, in the Mountain Democrat on May 21 and June 1, 2018 and in the Tahoe Tribune on May 25 and June 1, 2018.

FUNDING: County Service Area 10 Waste Management Fees.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved Resolution Routing Sheet 06-05-18, 2. B - CSA 10 Resolution Confirming Annual Report 06-05-18, 3. C - CSA 10 FY 18-19 Annual Report of Waste Management Fees 06-05-18, 4. D - CSA 10 Boundary Map 06-05-18, 5. E - City of Placerville Resolution 4927 06-05-18, 6. F - City of South Lake Tahoe Resolution 1988-59 06-05-18, 7. G - Mountain Democrat Publication Proof 06-05-18, 8. Recorded Resolution 107-2018

Date	Ver.	Action By	Action	Result
6/5/2018	1	Board of Supervisors	Approved	Pass

HEARING - Community Development Services, Environmental Management Department, recommending the Board:

- 1) Conduct a public hearing to consider public comment on the Annual Written Report of Waste Management Fees County Service Area 10; and
- 2) Adopt and authorize the Chair to sign Resolution **107-2018** confirming the Annual Written Report and authorizing the waste management fees to be collected in the same manner as the County's ad valorem real property taxes for Fiscal Year 2018/19, noting that the pre-existing benefit assessments/service charges have been in place and collected since prior to the effective date of Proposition 218, with no increases in the amounts and no change in the methodology for calculating said amounts. (Est. Time: 5 Min.)

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May 21 and June 1, 2018 and in the Tahoe Tribune on May 25 and June 1, 2018.

FUNDING: County Service Area 10 Waste Management Fees.

DEPARTMENT RECOMMENDATION

Community Development Services, Environmental Management Department, recommending the Board:

- 1) Conduct a public hearing to consider public comment on the annual written report of Benefit Assessments/Service Charges for the Zones of Benefit within County Service Area 3 for vector control and snow removal services; and
- 2) Adopt and authorize the Chair to sign Resolution 107-2018 confirming the Annual Written Report and authorizing the benefit/service charges to be collected in the same manner as the County's ad valorem real property taxes for Fiscal Year 2018/2019, noting that the pre-existing benefit assessments/service charges have been in place and collected since prior to the effective date of Proposition 218, with no increases in the amounts and no change in the methodology for calculating said amounts.

DISCUSSION / BACKGROUND

County Service Area 10 was formed in 1988 to provide certain services within the incorporated and unincorporated areas of the County, including household hazardous waste, solid waste and liquid waste management. The City Councils of the City of Placerville and the City of South Lake Tahoe each consented, by Resolution, to be included in CSA 10.

The lands included in CSA 10 are subject to fees assigned for specific waste management services. The fees are assigned to improved parcels of land where the assessed value of the improvement is \$10,000 or greater; household hazardous waste and solid waste management fees are based on the use of the land and the volume of waste occurring from the use, described as an Equivalent Dwelling Unit (EDU). Liquid waste management fees are not subject to the EDU multiplier. A detailed description of the property uses and EDUs used to calculate the fees is included as Exhibit A of the attached Resolution.

Each zone funded through waste management fees is summarized within Exhibit B of the attached Resolution. This 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 description of how revenues generated by the fees are expended. The CSA 10 "Direct Tax System Batch Proof Report" dated August 7, 2017, included herein as Attachment C and on file with the Clerk of the Board, details the waste management fees for each parcel of real property subject to the fees and the amounts charged to each parcel.

The fees are a continuation of the pre-existing fees that have been in place and collected since the late 1980's and early 1990's, prior to the effective date of Proposition 218, and represent no increase over current levels.

A public hearing to consider public comment regarding the Annual Report has been scheduled for June 5, 2018 at 10:00 a.m., and noticed as required by Government Code section 25210.77a. Notice is scheduled for publication in the Georgetown Gazette on May 24 and May 31, 2018, in the Mountain Democrat on May 21 and June 1, 2018, and in the Tahoe Tribune on May 25 and June 1, 2018.

Establishment of Fees

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 charges to fund services within a County Service Area. Such assessments remain valid, as proved 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, regulations, 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 fees, charges and 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 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 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 be set for the purpose of registering objections to or protests against the charges to be fixed by the Board, at the conclusion of which the Board adopts the Resolution that confirms the content of the Annual Report and authorizes the fees to be collected in the same manner as the County’s ad valorem property taxes.

ALTERNATIVES

The Board may determine not to adopt the Resolution to confirm the waste management fees for FY 2018/2019. This would leave the zones with insufficient funding for programs and uses such as:

- West Slope Solid Waste and Litter Abatement Program;
- Clean up and Upkeep of the Union Mine Landfill;
- Implementation and Maintenance of the Integrated Waste Management Plane Required under AB 939;
- Implementation of the Solid Waste Program under AB 341;
- Operational Overhead Costs of the Union Mine Wastewater Treatment Facility; and
- Clean Tahoe Program Pursuant to Agreement 520-F151, or successor Agreement.

Any new, increased, or replacement benefit assessment or special tax is subject to landowner or registered voter approval through statutory proceedings.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

City of Placerville

City of South Lake Tahoe

Clean Tahoe Program
Environmental Management Department

CAO RECOMMENDATION / COMMENTS

It is recommended that the Board approve this item.

FINANCIAL IMPACT

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

Estimated Revenue

Direct Charge Code	Fee Description	Projected Revenue FY 18/19
20552	Solid Waste	\$ 1,407,208.50
20553	Liquid Waste (Septage)	\$ 413,747.00
20554	Litter Abatement	\$ 57,700.20
20622	Household Hazardous Waste	\$ 345,005.80
20623	SLT AB 939	\$ 67,586.10

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will secure the Chair's signature on the Resolution and have the Resolution recorded.
- 2) The Clerk of the Board will provide one (1) certified copy of the Resolution to the Community Development Services, Administration and Finance Division, attention of Elizabeth Zangari, for implementation as authorized by law.

STRATEGIC PLAN COMPONENT

Infrastructure.

CONTACT

Greg Stanton, REHS, Director
Community Development Services, Environmental Management Department