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County of El Dorado

Legislation Details (With Text)

File #:	20-0700 **Version:** 1		
Type:	Agenda Item	**Status:**	Approved
File created:	5/12/2020	**In control:**	Board of Supervisors
On agenda:	6/9/2020	**Final action:**	6/9/2020
Title:	HEARING - Department of Transportation and 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 092-2020 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 (FY) 2020-21, 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. FUNDING: County Service Area 10 Waste Management Fees.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. A - Contract Routing Sheet, 2. B - Resolution, 3. C - CSA 10 Direct Charge Report, 4. D - CSA 10 Boundary Map, 5. E - City of Placerville Resolution 4927, 6. F - City of South Lake Tahoe Resolution 1988-59		

Date	Ver.	Action By	Action	Result
6/9/2020	1	Board of Supervisors	Approved	Pass

HEARING - Department of Transportation and 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 **092-2020** 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 (FY) 2020-21, 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.

FUNDING: County Service Area 10 Waste Management Fees.

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.

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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.

The proposed benefit assessments/service charges are a continuation of the pre-existing benefit assessments/service charges that have been in place and collected since prior to the effective date of Proposition 218. The continued assessments are not subject to a vote. County Counsel has previously determined that, so long as they are not increased and there is no change to the methodology by which the amounts are calculated, these assessments/service charges are exempt from the procedures and approval process of Article XIIID of the California Constitution, under Section f(a) of the Article.

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 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, 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 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 charges to be collected in the same manner as the County’s ad valorem property taxes. A public hearing to consider the proposed assessments has been scheduled for June 9, 2020, at 10:00 a.m., and noticed as required by Government Code section 25210.77a. Notices were scheduled for publication in the Georgetown Gazette on May 28, 2020, and June 4, 2020; in the Mountain Democrat on May 27, 2020, and June

3, 2020; and in the Tahoe Tribune on May 29, 2020, and June 5, 2020.

ALTERNATIVES
The Board may determine not to adopt the Resolution to confirm the waste management fees for FY 2020/21. This would leave the zones with insufficient funding for programs and uses such as:

- West Slope Solid Waste and Litter Abatement Program;
- State-mandated maintenance and monitoring of the Union Mine Landfill;
- Implementation and Maintenance of the Integrated Waste Management Plan 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.

PRIOR BOARD ACTION
N/A

OTHER DEPARTMENT / AGENCY INVOLVEMENT
City of Placerville
City of South Lake Tahoe
Clean Tahoe Program
Environmental Management Department
County Counsel

CAO RECOMMENDATION / COMMENTS
Approve as recommended.

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 2020/21
73292	Solid Waste	$ 1,421,381.90
73293	Liquid Waste (Septage)	$ 451,509.00
73294	Household Hazardous Waste	$ 347,767.80
73295	SLT AB 939	$ 68,419.80
73299	Litter Abatement	$ 59,257.20

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 Department of Transportation, attention of Ruth Cieri, for implementation as authorized by law.

STRATEGIC PLAN COMPONENT
Infrastructure, Public Safety

CONTACT
Rafael Martinez, Director
Department of Transportation

Greg Stanton, Director
Environmental Management Department