



# County of El Dorado

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## Legislation Text

File #: 14-0703, Version: 1

Community Development Agency, Administration and Finance Division, recommending the Board conduct a public hearing to consider adopting Resolution **076-2014** confirming the Waste Management Fees for the 2014/2015 Fiscal Year for County Service Area No. 10, noting this is a continuation of existing fees with no increase over current levels.

### FUNDING: Existing Fees.

BUDGET SUMMARY:	
Total Estimated Cost.....	\$2,261,933.40
Budget - Current FY.....	
Budget - Future FY.....	\$2,261,933.40
New Funding.....	
Savings.....	
Other.....	
Total Funding Available.....	\$2,261,933.40
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:

Direct Charge Code	Fee Description	Projected Revenue
14/15		
20552	Solid Waste	\$ 1,368,033.70
20553	Liquid Waste (Septage)	\$ 433,557.00
20554	Litter Abatement	\$ 56,362.20
20622	Household Hazardous Waste	\$ 337,047.60
20623	SLT AB939	\$ 66,932.90

### 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 authorized the Board of

Supervisors to fix and collect benefit assessments 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, 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 be set for the purpose of registering protests to the rates to be fixed by the Board, at the conclusion of which the Board adopts 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. On June 18, 2013 (Legistar file 13-0454, Item 31), the Board adopted Resolution 081-2013 establishing an appeal process for County Service Area No. 10 Waste Management fees to satisfy this requirement.

### **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 councils 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 assessed value of \$10,000 or greater, and are based on the use of the land and volume of waste occurring from the use, described as an equivalent dwelling unit (EDU). A detailed description of the property uses and EDUs used to calculate the fees is included as Exhibit A of the attached Resolution.

A detailed list of each zone funded through the waste management fees is included within 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 24, 2014 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 the Georgetown Gazette on June 12, 2014 and June 19, 2014, in the Tahoe Tribune on June 13, 2014 and June 20, 2014, and the Mountain Democrat on June 9, 2014 and June 20, 2014.

### **Clerk of the Board Follow Up Actions**

- 1) The Clerk will have the Resolution recorded upon signature by the Chair; and
- 2) The Clerk will provide a certified copy of the Resolution to the Community Development Agency, Administration and Finance Division for implementation as authorized by law.

### **Next Steps**

- 1) 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; and
- 2) The Community Development Agency, Environmental Management 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