



County of El Dorado

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Legislation Text

File #: 13-0809, **Version:** 2

HEARING: Consider adoption of Resolution **114-2013** establishing the delinquent mandatory refuse collection fees for South Tahoe Refuse Company as a special assessment for the 2013/2014 tax year and providing for the collection thereof in the same manner as the ad valorem property taxes.

FUNDING: Solid Waste Collection Fees.

Fiscal Impact/Change to Net County Cost

Lien amounts collected with the ad valorem tax bills are a direct pass through to South Tahoe Refuse Company (STR). Incidental costs associated with the lien proceedings are paid from the County's Solid Waste program. There is no impact to the General Fund, and there is no Net County Cost.

Background

Solid waste refuse and garbage collection has been mandatory in the Tahoe Basin since December 31, 1970, when the Tahoe Regional Planning Agency approved an ordinance prohibiting issuance of a building permit for any Lake Tahoe occupancy unless solid waste collection and disposal was provided by a licensed or franchised solid waste hauler, or by a public agency.

On December 29, 1981 the Board of Supervisors adopted Ordinance 3214 Mandatory Refuse and Garbage Collection for South Lake Tahoe, which prescribed the duty of the parcel owner to provide for the payment of the mandatory refuse collection and disposal fees.

On January 26, 1999, the Board of Supervisors adopted Ordinance 4525 which revised the mandatory solid waste collection areas in the County and provided a lien hearing process for delinquent mandatory collection accounts outstanding for ninety (90) days or more, as well as including other ordinance provisions regarding the administration of mandatory solid waste collection areas applicable to all designated mandatory solid waste collection areas.

The goals of mandatory refuse collection were to: 1) reduce illegal disposal; 2) provide for expanded disposal, recycling and yard waste programs which support the County's Integrated Waste Management Plan, adopted in compliance with the California Integrated Waste Management Act of 1989 ("AB939") which mandated fifty percent (50%) diversion of solid waste from landfills by 2000; and 3) institute a consolidated and single refuse collection rate within designated mandatory collection areas.

Consistent with provisions of County Ordinance Code § 8.42.120 and § 8.42.130, the County entered into a franchise agreement with STR to provide mandatory refuse and garbage collection services within the unincorporated area of the Lake Tahoe Basin, with the exception of a small area serviced by another franchisee. Provisions of the Ordinance Code require that the fees for mandatory collection resulting from rates reviewed, approved and set by the Board of Supervisors be charged to customers by the franchisee.

Reason for Recommendation

The lien process was adopted as the result of a large number of delinquent accounts within the STR mandatory collection area that were affecting rates. The lien process provides for the collection of bad debt and provides a mechanism that aligns rates with actual expense projections, without being skewed by bad debt. Since it was instituted in 1999, the lien process has greatly reduced the amount of bad debt resulting from property owners not paying the mandatory refuse collection fees.

The County's Solid Waste Management Ordinance Code §8.42.250 provides the Board with discretion to implement proceedings to levy a special assessment against a property for the amount of the confirmed delinquent mandatory refuse collection fees. Should the Board decide against implementing the proceedings, responsibility for recovery of the bad debt will be returned to the franchisee, and will likely result in un-collected delinquent fees which contribute to increased rates.

STR makes every effort to collect on past due bills prior to initiating the lien process. This includes a combination of courtesy letters and telephone calls to customers to try and resolve past due amounts.

Action(s) to be taken following Board approval

1. The Chair will sign the Resolution Confirming Report of Delinquent Mandatory Refuse Collection Fees for South Lake Tahoe Refuse Company.
2. The Clerk of the Board shall have the Resolution recorded, and provide a certified copy of Resolution to the Community Development Agency, Administration and Finance Division, for further action.

Contact

Kim Kerr, Acting Director
Community Development Agency

Concurrences

County Counsel