

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: June 29, 2022	TYPE OF AGENDA ITEM: <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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DEPARTMENT: Solid Waste Fee Administration APPROVING PARTY: Laura A. Marshall PHONE NUMBER: 530 289 3283

AGENDA ITEM: Resolution pertaining to Solid Waste Fees for the 2022-2023 Fiscal Year

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other

BACKGROUND INFORMATION: Adoption of annual solid waste fees

FUNDING SOURCE:
GENERAL FUND IMPACT: No General Fund Impact
OTHER FUND:
AMOUNT: \$ N/A

ARE ADDITIONAL PERSONNEL REQUIRED?

 Yes, -- --
 No

IS THIS ITEM ALLOCATED IN THE BUDGET? Yes No

IS A BUDGET TRANSFER REQUIRED? Yes No

SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2022- _____ Agreement 2022- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD

DATE

BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA

RESOLUTION NO. 2022-_____

**RESOLUTION PERTAINING TO SOLID WASTE FEES
FOR THE 2022-2023 FISCAL YEAR**

WHEREAS, pursuant to the provisions of State law, including without limitation California Government Code Section 25820 to 25830, and Chapter 8.05 of the Sierra County Code, the Board of Supervisors is authorized to establish a schedule of fees, which may be imposed on real property, businesses and persons who benefit from the use or ability to use the County's solid waste system, the revenue from which is used for the acquisition, operation, and maintenance of county waste disposal sites and for financing waste collection, processing, reclamation, and disposal services, where those services are provided; and

WHEREAS, the Board of Supervisors has determined that, for the 2022-2023 fiscal year, it is necessary and appropriate to continue to impose and to collect said solid waste fees from properties that use, or as to which the solid waste system is immediately available for their use, in proportion to their respective estimated use of the solid waste system during the 2022-2023 fiscal year, which fees are used for and essential to the operation of the County's solid waste system; and

WHEREAS, the amount of the fees have been calculated for each of the 2,209 individual properties within Sierra County that benefit from the use, or the immediate availability for use of the County solid waste system, based upon the nature of the uses occurring thereon and the volume of waste generated from the uses and other factors that reasonably relate the waste disposal fee to the property or business or person upon which it would be imposed and based thereon has determined that the fee for disposal for a residential use shall remain \$330.84 per year (per each residential unit on the property), and the fee for non-residential users remaining at the rate of \$18.38 per loose cubic yard; and

WHEREAS, pursuant to the provisions of Article XIII A of the California Constitution (Proposition 13) and Articles XIII C & D (Proposition 218), the imposition of fees for the use and support of the County solid waste system in proportion to the waste generated by property owners and other users of the solid waste system does not constitute special taxes, and are legitimate user based fees; and

WHEREAS, no new fees or increased fees are being imposed, and therefore, no hearing pursuant to Proposition 218 is necessary.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE SIERRA COUNTY BOARD OF SUPERVISORS that:

Section 1. Solid Waste Fees to be Effective July 1, 2022.

A. Effective July 1, 2022, the solid waste fees, for all categories as set forth in Section 1 above, are hereby established for the 2022-2023 fiscal year for the use of and/or disposal of refuse at any County transfer station, as set forth herein. All property, businesses, entities, organization or persons (collectively hereinafter referred to as "properties") that use the County solid waste system, or for which the solid waste

disposal system is available for their use, shall pay a solid waste fee for the 2022-2023 fiscal year as follows:

Single Family Residential (including equivalent uses)	\$330.84 per year, continuation of 2022-2023 fiscal year fee
Multi-Family Residential (i.e., apartments, duplexes, granny houses and guest houses)	\$330.84 per year per residential unit, continuation of 2022-2023 fiscal year fee

B. All other developed parcels, businesses, entities, organization or persons occupying property or conducting any activity that generates waste, collectively referred to herein as the "non-residential properties" or singularly as a "non-residential property", shall pay a fee at the rate of \$18.38 per (uncompacted) cubic yard based upon the estimated volume of the refuse generated on the property (excluding material that is recycled), which volumes are reported to the County by the licensed waste hauler (consisting of waste generation for non-residential properties between April 1, 2022 through March 31, 2023) or are otherwise reasonably estimated or documented by County. The waste generation information for non-residential properties is based upon the waste generation information compiled from the records obtained by the waste hauler serving the property showing the waste disposal for the property during all or portions of the preceding fiscal year, or such other information as may reasonably establish or provide the basis for an estimate of the amount of refuse generated from the property, enterprise or business. Non-residential properties (and which are not properties otherwise exempt) shall pay the fee established by the Solid Waste Fee Administrator based on the rate of \$18.38 per (uncompacted) cubic yard for the use or estimated use of the solid waste system for the 2022-2023 fiscal year.

C. Any non-residential property which exceeds the amount of refuse that is established for the property as the basis for the calculation of the parcel charge shall be subject to the imposition of an additional charge at the rate of \$18.38 per (uncompacted) cubic yard for any additional refuse that is generated on the property. The Solid Waste Fee Administrator is authorized to perform random reviews of the waste generation of property in order to ensure that the amount of the refuse has been appropriately and fairly determined for the property. An additional charge shall be imposed at the rate of \$18.38 per (uncompacted) cubic yard for any additional refuse generated on the property that is over the amount which was used as the basis for establishing the fee for the property, enterprise or person.

D. For the purpose of this Section, a residence shall be deemed to exist, and a fee shall be imposed as to real property upon which a structure considered to be a single-family residence or its equivalent is located.

E. Any real property containing a single family residential unit as a separate structure or unit and one or more other residential units (such as a "granny" or handicapped unit, or any other structure or shelter in which people live on the property) shall pay a fee for the single family unit as established herein and an additional amount of \$18.38 for each additional unit.

Section 2. Calculating Volume of Non-Residential Waste.

Pursuant to Sierra County Code section 8.04.040, all non-residential properties are required to subscribe to a solid waste collection service. In the event that collection service is unavailable, or that County is otherwise unable to obtain information as to the specific amount of waste generated by a particular property, the Solid Waste Fee Administrator is authorized to consider any and all relevant evidence in determining the appropriate fee, including but not limited to past estimates or data, waste generation by comparable operations, and direct observation by witness (including any staff at transfer stations). The owner of such non-residential property, however, shall retain all rights to present contrary evidence pursuant to Sierra County Code section 8.05.025(a)(3).

Section 3.

Appeal Provisions

Fees established by this Resolution shall be subject to the appeal/adjustment procedures as set out in Chapter 5 of Part 8 of the Sierra County Code. It is the intent of the Board of Supervisors that these appeal or administrative adjustment procedures shall constitute an administrative procedure that allows individual property owners to appeal the solid waste fee as to their respective properties. Individual property owners shall be required to comply with the appeal provisions, as a means to exhaust administrative remedies, in order to file a claim with the County for a refund.

Section 4. Collection of Fees

The solid waste fees may be billed and collected by the County Tax Collector as part of the regular county tax billing system (on the property tax bill). Notice of the appeal/adjustment procedures shall be included as part of the property tax bill if the fees are collected on the property tax bill. Any separate bill sent for collection of the fees shall also include a notice of the right to seek an administrative appeal or adjustment of the fees following the procedures set out in Chapter 5 of Part 8 of the Sierra County Code.

Section 5. Application of Code of Civil Procedure Sections 860-870 to Actions Contesting Fees

Pursuant to the Provisions of Section 8.05.110 of the Sierra County Code, the provisions contained in California Code of Civil Procedure Sections 860-870 shall be applicable to the adoption of solid waste adopted by the Board of Supervisors and any legal action contesting the validity of this Resolution or contesting the validity of any fee or charge shall be filed within sixty (60) days from the date of the adoption of this Resolution if contesting the validity of the County's authority to or procedures used in adopting the solid waste fees. Any person or entity contesting the application of the fees to their individual property shall be entitled to contest the decision made by the Board as a result of an administrative appeal hearing (see Section 2, above) within the time requirements set out Section 8.05.025 (b)(10) of the Sierra County Code and shall do so by way of an action under Code of Civil Procedure Section 1094.5.

PASSED AND ADOPTED by the Sierra County Board of Supervisors on June 29, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

COUNTY OF SIERRA

PAUL ROEN, CHAIRMAN
Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

HEATHER FOSTER
Clerk of the Board

DAVID PRENTICE
County Counsel