

SIERRA COUNTY

Clerk-Recorder
P.O. Drawer D
Downieville, California 95936
Telephone (530) 289-3295
Fax (530) 289-2830



Heather Foster
Clerk-Recorder

May 13, 2016

Mr. Joseph G. Arata
118 Eaton Villa Place
Redwood City, CA 94062

RE: Appeal of Solid Waste Fee Assessment for 2015-2016 -- APN 009-142-001-0

Dear Mr. Arata,

Your appeal of the Solid Waste Fee Assessment for 2015-2016 will be held on Tuesday, June 7, 2016 at 10:00 a.m. The hearing will take place in the Board Chambers at the Courthouse in Downieville.

During the hearing you will be allowed no more than thirty (30) minutes to present your evidence concerning the waste generation occurring on the subject real property. The Solid Waste Fee Administrator shall have a representative present to provide a statement of the reasons for the Solid Waste Fee Administrator's decision regarding the adjustment request.

Based upon information submitted with the appeal application and received at the hearing, the Board of Supervisors shall determine the reasonable refuse generation there from in order to impose the appropriate solid waste fees in accordance with the provisions of the Sierra County Code and the latest adopted resolution imposing solid waste fees for the present fiscal year. The Board shall announce its decision at the conclusion of the hearing or within twenty-one (21) days thereafter.

Your application and any additional information attached will be provided as background information for the Board of Supervisors. If you have anything further you wish to provide to the Board please either e-mail the information to my office at clerk-recorder@sierracounty.ca.gov no later than 4:00 p.m. on May 31, 2016 or bring eight (8) copies and an original to the meeting.

If you have any questions regarding the above hearing please let me know.

Sincerely,

Heather Foster
County Clerk-Recorder

cc: Solid Waste Fee Administrator

SIERRA COUNTY

Solid Waste Fee Administration
P.O. Box 8
Downieville, California 95936
Phone: 530-289-3283
Fax: 530-289-3441



November 24, 2015

Laura A. Marshall
Fee Administrator

Joseph G. Arata, Trustee
118 Eaton Villa Place
Redwood City, CA 94062

Alesya A. Astesana
Administrative Assistant

Re: Solid Waste Fee
APN: 009-142-001-0

Dear Mr. Arata:

Thank you for your Application for Adjustment to Solid Waste Fee Assessment for the 2015/2016 fiscal year. After a review of your file and your adjustment request filed on November 12, 2015, I must deny your appeal.

Upon receipt of an application for adjustment to solid waste fee assessment Sierra County Code section 8.05.025, *Adjustments to Solid Waste*, requires me to review your file to determine whether the appropriate fee was imposed in accordance with county code and any implementing resolutions.

Your parcel, located at 18 Lake Street, Sierra City, CA, is improved with a single family residence. The fee that is assessed to single family residential units is based upon an annual study of residential wastes picked up and reported by the licensed waste hauler, InterMountain Disposal. The 2014 study for fiscal year 2015/2016 revealed that Sierra County single family residential units produce approximately 2.534 cans per week—calculating to 18 loose cubic yards per single family residence, per year. Upon review of your file I have correctly assessed 18 loose cubic yards to the parcel noted above.

Pursuant to Section 6, Article XIII D, of the California Constitution, Sierra County identified all parcels upon which a parcel fee would be imposed. On June 26, 2015, the County mailed a Notice of Imposition of Solid Waste Fee for Fiscal Year 2015/2016 to all identified parcels. This Notice included:

- The amount of fee or charge to be imposed on the parcel.
- The basis upon which the amount was calculated.
- The reason for the parcel fee.
- The date, time and location of the public hearing on the proposed fee.
- Instructions for filing and submitting written protest.

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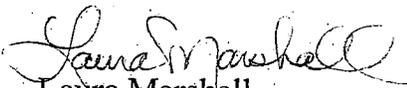
November 24, 2015

On Tuesday, August 18, 2015, a public hearing was held by the Board of Supervisors at the Loyalton Social Hall. The protest ballots submitted were tallied—243 protests were received constituting approximately 11 percent of the 2,225 applicable properties. Due to the failure of the protest process, the solid waste parcel fee was imposed. The fees set forth in Sierra County Resolution 2015-061 have been properly applied.

In summary, no changes will be made to the solid waste fee assessment for Assessor Parcel Number 009-142-001-0. You may appeal this decision to the Sierra County Board of Supervisors within sixty (60) days from the date of this notification by filing an Appeal of Solid Waste Fee Assessment with the County Clerk. You may contact the County Clerk to request that particular form by calling (530) 289-3295.

Please contact me at your convenience if you have any questions or concerns regarding this notification.

Sincerely,



Laura Marshall

Solid Waste Fee Administrator

cc: Sierra County Clerk of the Board

APPEAL OF SOLID WASTE FEE ASSESSMENT
2015-2016

FILED
SIERRA COUNTY CLERK

JAN 04 2016

A separate appeal must be filed for each Parcel and/or unsecured property tax bill.

BY Heather Foster HEATHER FOSTER
DEPUTY

NAME: Joe Arata; PARCEL/ACCOUNT NUMBER: APN 009-142-001-0
hereby appeal the decision of the solid waste fee administrator denying my/our application for an adjustment to the solid waste fees that have been imposed for the 2015-2016 Fiscal Year. I/we further certify that I/we or the entity that I/we represent is/are the owner, or tenant or other party responsible for the waste disposal fee imposed on the above-identified property, pursuant to Section 8.05.010 of the Sierra County Code.

I/we further certify that the basis for the adjustment of solid waste fees is as follows: (Check all applicable boxes)

RESIDENTIAL FEE PROPERTIES:

- The property qualifies as a single-family residence. a residential property - yes
a residence No
- The property qualifies as a multi-family residential property and the maximum total number of units that are available for occupancy during the year has been miscalculated as _____ units, and the actual number of units that are or may at any time be located on the property during the year is _____.
- Solid Waste System is not immediately available for use by the subject property.

NON-RESIDENTIAL FEE PROPERTIES:

- The amount of refuse that has been generated from the property during the period set by ordinance (April 1, 2014 thru March 31, 2015) has been erroneously calculated as 18 cubic yard of waste and should be 0 cubic yards.

The basis for the above waste generation estimate is as follows: (Use separate page if necessary.)

The basis of 18 cubic yards is wrong. As a non residence property it should not be included in the annual study of residential wastes. When contested proof of residence should be available/ provided. The appeal must include a written statement of facts fully and fairly describing the basis for the appeal (demonstrating the misapplication of the solid waste fee to the property) together with copies of all relevant documents in support of the appeal. See attached letter.

FAILURE TO PROVIDE ALL INFORMATION REQUIRED BY THIS APPLICATION MAY RESULT IN THE DENIAL OF THE APPLICATION FOR ADJUSTMENT TO SOLID WASTE ASSESSMENT. APPEALS MUST BE FILED WITHIN 60 DAYS OF THE DATE OF THE SOLID WASTE FEE ADMINISTRATOR'S DENIAL OF THE APPLICATION FOR ADJUSTMENT.

In submitting this application for adjustment in solid waste assessment, I declare under penalty of perjury that the foregoing information is true and correct.

Executed on this 30th day of Dec., 2015

Joe Arata
SIGNATURE

JOE ARATA
PRINT OR TYPE NAME

RETURN THIS FORM TO:
Sierra County Clerk - Recorder
P.O. Box D
Downieville, CA 95936

PRINT NAME OF PROPERTY OWNER IF DIFFERENT FROM APPLICANT

December 30, 2015

Sierra County
Board of Supervisors
P.O. Box D
Downieville, CA 95036-0308

The basis of this appeal is as it has been the last twelve years, the same with renewed emphasis and hopefully persuasion. This property APN 009-142-001-0 is classified as residential but for the last twenty-four years has shown and disputed the implication that it is a residence. Webster's 9th edition, page 1003 has many definitions of residence. The two most appropriate for my property are.

1. A building used as a home, (Mine is not.)
2. The status of a legal resident (my property does not have a resident, legal or otherwise.

A Classification of residential is simply a word. A residence proves what this word implies. I ask that Sierra County show me the proof of residence. This property is **not** a residence nor is it any other conceivable solid waste generator.

The basis of this appeal is simple, straight forward, factual and **most importantly verifiable.** This property is **not** a residence and as such, does not produce waste of any kind. It is a dormant, uninhabitable property in its current state. Improved YES, livable, NO. Laura Marshalls recent reply to my request for fee adjustment was that she has correctly identified this property as a residence and should be assessed 18 cubic yards of solid waste, equivalent to 2.5 cans per week. This is ludicrous and blatantly wrong. My combined properties do not produce 2.5 cans of solid waste **ALL YEAR**, and neither one can rightfully be called a residence nor a summer home per IRS definition.

Sierra County Code Provision 8.05.025 **clearly and emphatically states that any solid waste fee shall be adjusted,** (A Sierra County Authoritative Proclamation) when a property is wrongly classified. The classification is correct, (RESIDENTAL,) **BUT, ITS IMPLICATION OF RESIDENCE** is not fulfilled and therefore this property is erroneously identified.

It insults our intelligence, yours and mine, to call this property a residence and that it produces 18 cubic yards of solid waste (**ludicrous.**) I ask you again to honor Sierra County code provision 8.05.025 and grant me a substantial fee reduction and retroactively reimburse me for all the years you have denied me the use of this provision.

This provision provided for the people of Sierra County should not be made irrelevant while in existence.

Sincerely, Joe Arata
CC: Laura Marshall



8.05.025 Adjustments to Solid Waste Fees

- (a) Any solid waste fee shall be adjusted where, upon application filed by the property owner or upon discovery by the Solid Waste Fee Administrator it is established that:
1. As to single family residences, the property was erroneously classified (i.e., shown as some other type of use), or the solid waste system is not immediately available for use by the subject property.
 2. As to mobile home parks and multi-family residential properties, the total number of units that are available for occupancy during the year (or any portion of the year) has been erroneously calculated,
 3. As to all other uses or classes of property, the estimate, based on the information available as of April 1st of the preceding year, of the amount of refuse that is reasonably expected to be generated therefrom during the entire fiscal year (July 1 to June 30), has been erroneously calculated,
- (b) The following procedures shall apply with regard to any request for adjustment:
1. Any property owner, business owner or other person or entity responsible for paying for the cost of solid waste disposal, may seek an adjustment of solid waste fee as to his or her property, enterprise or activity, on or before December 1st of the fiscal year in which the solid waste fee was imposed, by filing an application for adjustment (which shall constitute an appeal) with the Solid Waste Fee Administrator on the form to be provided by the County for that purpose. The application shall be executed under penalty of perjury but shall not require any filing fee, unless a filing fee is otherwise enacted by resolution of the Board of Supervisors. The application shall include information sufficient to identify the property, the type(s) and number of structures, the enterprise or activity and the nature of the use or uses occurring on the property. If the property contains multiple residential units, the applicant shall state the number of units that are or may be located on the property during the year. In addition, for all non-residential properties for which an application for adjustment is filed, the application shall state the amount of refuse that the property (or business) owner or other person or entity responsible for the solid waste generation and/or disposal, reasonably anticipated, based on the information available as of April 1st of the preceding year, to be generated during the ensuing fiscal year, together with a detailed explanation of the method and basis for calculating the projected refuse generation for the property, enterprise or activity and shall include all supporting documentation.
 2. Upon receipt of any such application, the Solid Waste Fee Administrator shall promptly review same to determine whether the appropriate solid waste fee was imposed in accordance with the provisions of this Chapter and any implementing resolutions. The Solid Waste Fee Administrator shall be authorized to approve any adjustment upon a determination that the adjustment is in keeping with the provisions of this Chapter.
 3. The Solid Waste Fee Administrator shall also be directed to make adjustments to solid waste fees billed to any property owner, enterprise or person conducting an activity thereon, where it is determined that the such owner, enterprise, person or entity has been