

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

<b>MEETING DATE:</b> June 4, 2019	<b>TYPE OF AGENDA ITEM:</b> <input type="checkbox"/> Regular <input checked="" type="checkbox"/> Timed <input type="checkbox"/> Consent
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**DEPARTMENT:** Board of Supervisors  
**APPROVING PARTY:** Heather Foster, Clerk of the Board  
**PHONE NUMBER:** 530-289-3295

**AGENDA ITEM:** Appeal of Solid Waste Assessment Fees for 2018-2019 filed by Mr. Wayne DeLisle for APN 006-130-024-0 Pike City Road and 006-130-025-0 Pike Short Cut Road.

**SUPPORTIVE DOCUMENTS ATTACHED:**  Memo  Resolution  Agreement  Other

**BACKGROUND INFORMATION:**

**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**

<p><b>BOARD ACTION:</b></p> <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 2019- _____ Agreement 2019- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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**COMMENTS:**

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\_\_\_\_\_  
CLERK TO THE BOARD

\_\_\_\_\_  
DATE

APPEAL OF SOLID WASTE FEE ASSESSMENT  
2018-2019

FILED  
SIERRA COUNTY CLERK

FEB 13 2019

HEATHER FOSTER  
BY: Heather Foster DEPUTY

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

NAME: Wayne De Lisle; PARCEL/ACCOUNT NUMBER: 006-130-024-0  
hereby appeals 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 2018-2019 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.
- 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, 2017 thru March 31, 2018) has been erroneously calculated as \_\_\_\_\_ cubic yard of waste and should be \_\_\_\_\_ cubic yards.

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

1. While it may be proper to classify parcels as RESIDENTIAL, that classification by no stretch of imagination inculcates a moral dimension granting to this Board of Supervisors, their Counsel or Agency Administrators any latitude whatsoever to supplant as much as an iota of the prohibitions explicitly bridling them with Article XIII D, §6, (b)(1-5), in imposing this exaction on my parcels without first complying fully therewith.
2. The underlying support or foundation for exaction relies solely upon the particular parcels' "classification", which is explicitly prohibited by Article XIII D, §6, (b)(3). The amount of refuse that has been generated from the property during the period set by ordinance has never been "calculated", and, not an iota of evidence thereof has ever been proffered in support thereof.

*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.*

**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 \_\_\_\_\_ 9<sup>th</sup> day of February \_\_\_\_\_, 2018.

Wayne De Lisle  
SIGNATURE

RETURN THIS FORM TO:

Sierra County Clerk-Recorder  
P.O. Box D  
Downieville, CA 95936

Wayne De Lisle  
PRINT OR TYPE NAME

\_\_\_\_\_  
PRINT NAME OF PROPERTY OWNER IF DIFFERENT FROM APPLICANT

# SIERRA COUNTY

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



December 10, 2018

Wayne DeLisle  
500 Pike City Road  
North San Juan, CA 95960

Laura A. Marshall  
Fee Administrator

Alesya A. Astesana  
Administrative Assistant

Re: Solid Waste Fee  
APN: 006-130-024-0

Dear Mr. DeLisle:

Thank you for your Application for Adjustment to Solid Waste Fee Assessment for the 2018-2019 fiscal year. After a review of your file and your adjustment request filed on November 30, 2018, 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 a review of your file to determine whether the appropriate fee was imposed in accordance with county code and any implementing resolutions.

Your parcel, located at 500 Pike City Road, Pike, 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 2017 study for fiscal year 2018-2019 revealed that Sierra County single family residential units produce approximately 2.46 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.

In summary, no changes will be made to the solid waste fee assessment for Assessor Parcel Number 006-130-024-0. 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,

A handwritten signature in cursive script that reads "Laura Marshall".

Laura Marshall

Solid Waste Fee Administrator

cc: Sierra County Clerk of the Board

APPEAL OF SOLID WASTE FEE ASSESSMENT  
2018-2019

FILED  
SIERRA COUNTY CLERK

FEB 13 2019

HEATHER FOSTER  
BY: Heather Foster DEPUTY

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

NAME: Wayne De Lisle; PARCEL/ACCOUNT NUMBER: 006-130-025-0  
hereby appeals 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 2018-2019 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.
- 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, 2017 thru March 31, 2018) has been erroneously calculated as \_\_\_\_\_ cubic yard of waste and should be \_\_\_\_\_ cubic yards.

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

1. While it may be proper to classify parcels as RESIDENTIAL, that classification by no stretch of imagination inculcates a moral dimension granting to this Board of Supervisors, their Counsel or Agency Administrators any latitude whatsoever to supplant as much as an iota of the prohibitions explicitly bridling them with Article XIII D, §6. (b)(1-5), in imposing this exaction on my parcels without first complying fully therewith.
2. The underlying support or foundation for exaction relies solely upon the particular parcels' "classification", which is explicitly prohibited by Article XIII D, §6. (b)(3). The amount of refuse that has been generated from the property during the period set by ordinance has never been "calculated", and, not an iota of evidence thereof has ever been proffered in support thereof.

*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.*

**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 9<sup>th</sup> day of February, 2018.

Wayne De Lisle  
SIGNATURE

RETURN THIS FORM TO:

Sierra County Clerk-Recorder  
P.O. Box D  
Downieville, CA 95936

Wayne De Lisle

PRINT OR TYPE NAME

PRINT NAME OF PROPERTY OWNER IF DIFFERENT FROM APPLICANT

# SIERRA COUNTY

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



December 10, 2018

Wayne DeLisle  
500 Pike City Road  
North San Juan, CA 95960

Laura A. Marshall  
Fee Administrator

Alesya A. Astesana  
Administrative Assistant

Re: Solid Waste Fee  
APN: 006-130-025-0

Dear Mr. DeLisle:

Thank you for your Application for Adjustment to Solid Waste Fee Assessment for the 2018-2019 fiscal year. After a review of your file and your adjustment request filed on November 30, 2018, 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 a review of your file to determine whether the appropriate fee was imposed in accordance with county code and any implementing resolutions.

Your parcel, located at 133 Pike Short Cut, Pike, CA, is improved with a single family residential unit. 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 2017 study for fiscal year 2018-2019 revealed that Sierra County single family residential units produce approximately 2.46 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.

In summary, no changes will be made to the solid waste fee assessment for Assessor Parcel Number 006-130-025-0. 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,

A handwritten signature in cursive script that reads "Laura Marshall".

Laura Marshall

Solid Waste Fee Administrator

cc: Sierra County Clerk of the Board

# SIERRA COUNTY

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



Heather Foster  
Clerk-Recorder

May 14, 2019

Mr. Wayne DeLisle  
500 Pike City Rd.  
Pike, CA 95960

RE: Appeal of Solid Waste Fee Assessment for 2017-2018 & 2018-2019  
APN's 006-130-024-0 & 006-130-025-0

Dear Mr. DeLisle,

Your appeals of the Solid Waste Fee Assessment for 2017-2018 and 2018-2019 will be held on Tuesday, December 4, 2018 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](mailto:clerk-recorder@sierracounty.ca.gov) no later than 4:00 p.m. on May 29, 2019 or bring eight (8) copies and an original to the meeting.

Sincerely,

Heather Foster  
County Clerk-Recorder

Cc: Solid Waste Fee Administrator