
Supportive Documents Attached: ☐Memo ☐Resolution ☐Agreement ☒Other
See attached appeal documents and letter from Mr. Arata

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:
Board Action:
☐ Approved
☐ Approved as amended
☐ Adopted
☐ Adopted as amended
☐ Denied
☐ Other
☐ No Action Taken
☐ Set public hearing
For: ______________________
☐ Direction to: ______________
☐ Referred to: ______________
☐ Continued to: _____________
☐ Authorization given to: ______________

Resolution 2019- ____________
Agreement 2019- ____________
Ordinance _________________
Vote:
Ayes:
Noes:
Abstain:
Absent:
☐ By Consensus

Comments:
________________________________________________________________________________________________________________________________________
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Clerk to the Board ______________________ Date ______________________
Joseph Arata

August 6, 2019

Sierra County
Board of Supervisors
PO Box D
Downieville, CA 95936

Re: 2019 Solid Waste Fee Appeal

Dear Board of Supervisors,

Due to my wife’s cancer surgery and subsequent chemo infusion schedule and, therefore, need of my help 24/7, I am not able to make my appeal in person this year. Please accept this letter in my absence.

For the last fourteen years I have been trying to correct an erroneous, unfair and disproportionate solid waste fee assessment based on an inaccurate classification of my properties – but so far to no avail. My properties are residential properties but are not residences.

The IRS has classified these properties as incidental use properties – which they are. This should mean something, but you ignore it. The indisputable fact is one property is vacant 100% of the time and the second is vacant 95% of the time. My supervisor and our solid waste administrator both know this is the truth but will not give me the benefit of saying so. Nor will you (B.O.S.) acknowledge my factual evidence, that of the CPUC. Nor do you honor Sierra County’s own ordinances 8.05.010, .020. The appeal process requires supporting evidence which I have repeatedly supplied, but you ignore it. Why even have it if you are simply going to disregard it?

For the past 25 years I have not taken any solid waste to the transfer station or landfill... none. But even if I had on a rare occasion, the one fee I am willing to pay would more than cover it. The miniscule amount of garbage I create – on my six weekly maintenance visits per year – I take with me when I leave Sierra County. It’s too impractical to do anything else.

The amount of solid waste for which I am assessed is a fabricated amount, based on the erroneous calculation of 18 cubic yards per residential property regardless of whether it is a live-in, occupied residence or not. This is not right or fair, but mostly it is not an honest or accurate assessment – especially when the classification and calculated amount of waste is
challenged and shown to be wrong. The calculated amount of 36 cubic yards of waste is ridiculous and would be laughable if it were not so hurtful. Think about this.

What makes my situation so onerous is that I am forced under threat of penalty to pay two solid waste fees, currently $841.68, for zero solid waste. ZERO. When my full-time neighbors who create waste every day, all year long pay half the amount, $420.84. Think about this: someone who creates no solid waste is forced to pay twice as much as one who does create waste. Solid waste fees are supposed to be for solid waste, real garbage, not for property ownership.

As I have said many times, I will willingly pay without objection one solid waste fee for the zero waste of one property. But to force me to do so a second time for a property that should be protected by the county’s own ordinances is an egregious act. It appears you are using your office and position to override the county’s solid waste ordinances and are extracting money from me under threat of penalty to satisfy your own personal agenda. If true, an ethical line is being crossed and goes beyond the pale.

I ask again that you reconsider your position on my second solid waste fee for 18 Lake Street, Sierra City and grant me an exception. This property has been used for furniture storage for the last 25 years. Our solid waste administrator knows this because she has seen it with her own eyes – twice. I also request that the $3,818.00 taken from me the last 14 years under false pretense be refunded to me.

I persist in the appeal process because I respect and trust in the Rule of Law and the protection of people’s rights. It is disheartening when the Law and the Rights afforded to us are ignored by those who are supposed to administer it. I should not have to fight so exhaustively for these rights, but should be able to have faith in and trust you to honor it.

Sincerely,

Joe Arata
APPEAL OF SOLID WASTE FEE ASSESSMENT 2018-2019

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

NAME: Joe Arata; PARCEL/ACCOUNT NUMBER: 009-143-001-0

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 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.)

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 12th day of Nov, 2018.

Joe Arata

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

SIGNATURE

PRINT OR TYPE NAME

PRINT NAME OF PROPERTY OWNER IF DIFFERENT FROM APPLICANT
Ms. Laura Marshall  
Sierra County Solid Waste Fee Administrator  
P.O. Box 8  
Downeville, CA 95936  

Re: APN 009-143-001-0  
Solid Waste Fee  

Dear Ms. Marshall,

I tried to see you a few weeks ago, but you were out of town. This letter will have to suffice. In the news lately, there has been a lot said about fairness, honesty, corroboration and rule of law. All qualities we admire, expect in others and most of us strive for. Not so much in Sierra County. Laura, I ask you again, what makes forcing a sixty (60) day a year visitor to Sierra County that creates no solid waste that sees the landfill to pay (under threat of penalty) twice what a permanent resident pays. What makes that fair? What makes it fair that a non-residence, non occupied dormant property not be allowed the use of the counties own ordinances that were written specifically for properties and situations like mine? Where is the fairness in the way I am being treated, and my pleas ignored? Where is the honesty in calling my non-resident property (18 Lake St.) a residence when there is no occupancy, no P.O. box, no water supply, no electrical use, no propane purchase and no named occupant. Where is your corroboration that supports a residence classification. Please, please show me. I would like to see it.

Laura, the people of Sierra County expect and deserves fairness and honesty but paramount is the adherence to the rule of law. The county ordinances are or should be supported by law but apparently ignored in Sierra County.

For the last thirteen years I have been seeking and adjustment or exemption to my solid waste bill. I am not opposed to solid waste fees but strongly oppose unfair, unjust, disproportional ones. I am sure you know this by now. Who wouldn’t protest? No one person should be forced to pay twice for non-existent solid waste, especially a sixty day per year visitor.

The calculation of 18 cubic yards for 18 Lake St. is wrong, wrong, wrong. You are using this property as a multiplier without any supporting or corroborating evidence that it creates waste. As stated before, you and B.O.S. are using me and exploiting my property but, what’s even worse by not being honest you are using your office and position to extract money from me. There is another word for that. Where is the fairness in that??

In the last 13 years I have been forced to pay the county $6,794 dollars for non-existent, non-produced solid waste $6,794.00, (think about that), no small amount, twice as much as my
permanent neighbors who create garbage every day. Ninety 90% of the time my neighbors see my two houses unoccupied with no activity in their yards and no lights on at night in either house. Both of these properties are incidentail use properties, (NOT RESIDENCES). See any dictionary for definition.

Laura, your combined assessment of 36 cubic yards for these two properties is a blatant erroneous one. You are assigning and unsubstantiated amount of waste to every classified residential property irregardless of it being a residence, a no use property or anything else. This is not an honest or accurate assessment and is not fair to the property owner's.

If you will recall, after five years of being denied the use of county ordinance section 8.05.010, Mr. Curtis rewrote it. I site the following partial excerpts from that rewrite.

Solid waste fees shall be imposed on owners of property for the estimated (NOT CALCULATED) use of the solid waste system and – the property is developed with a structure, the CUSTOMARY NATURE and use would normally generate solid waste. 18 Lake St. has not seen customary use for 28 years and its nature has been that of a NO USE PROPERTY. You know this Laura, you are not dumb or blind but you are not giving it an honest accurate appraisal.

I submit my application for adjustment or exemption on the basis that it is not an occupied dwelling (NON RESIDENCE) and that its customary use and nature have not been so for 28 years. I accept and erroneous calculation of 18 cubic yards for 20 Lake St. but to force me to accept one for 18 Lake St. is unconscionable and unscrupulous. I request that the $3,397.00 unjustly taken from me be refunded.

Sincerely,

Joe Arata  

CC: Sierra County BOS
Peter Huebner
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 residential 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