



MONO COUNTY DEPARTMENT OF PUBLIC WORKS

Post Office Box 457 • 74 North School Street • Bridgeport, California 93517
(760) 932-5440 • Fax (760) 932-5441 • monopw@mono.ca.gov

Evan Nikirk, PE
Director

Kelly Garcia, PE
Assistant Director

Date: May 19, 2009
To: Honorable Chair and Members of the Board of Supervisors
From: Evan Nikirk, Public Works Director
Subject: Solid Waste Parcel Fee Program, FY09-10

Recommended Action:

1. Approve and authorize the Chair's signature on Resolution No. R09-___, "A Resolution of the Mono County Board of Supervisors Extending and Re-Establishing the Mono County Solid Waste Fee Program for Fiscal Year 2009-2010."
2. Approve and authorize the Chair's signature on Resolution No. R09-___, "A Resolution of the Mono County Board of Supervisors Authorizing the Implementation of a Solid Waste Fee Agreement with the Town of Mammoth Lakes for Fiscal Year 2009-2010."

Fiscal Impact:

This program continues the assessment of fees on developed land within the unincorporated areas of Mono County and, under agreement with the Town Council, on lands within the Town of Mammoth Lakes. Revenues generated by this program for fiscal year 2009-2010 are expected to be consistent with prior years and are estimated to be approximately \$720,000. These fees, which directly fund the County's landfill closure accounts and otherwise support operations of the Solid Waste Enterprise Fund, account for 35 to 40 percent of all revenues for the Enterprise Fund.

Discussion:

Consistent with applicable provisions of the Government Code, the Board of Supervisors must annually renew the Solid Waste Fee program prior to July 1 to continue the County's assessment of fees on developed land within the unincorporated areas of Mono County and, under agreement with the Town Council, on lands within the Town of Mammoth Lakes. Adoption of the proposed resolution will provide for a status quo program with no increase to the existing \$60 base fee. Therefore, these are not considered new or increased fees, and as such, the program does not require additional consideration under Proposition 218. Should the County let the current fee program lapse, however, re-establishment would be subject to voter approval pursuant to Proposition 218 procedures.

Approval of the proposed resolutions (attached to this report as Exhibit 1 and Exhibit 2) will authorize the continuation of the Solid Waste Fee program and the initiation of an agreement to charge and collect solid waste fees within the Town of Mammoth Lakes. Staff recommends that the existing fee schedule be re-established for fiscal year 2009-2010.

The resolution authorizing the Solid Waste Fee Program (see Exhibit 1) will provide for a continuation of the same fee that has been collected by Mono County since 1991, which is based on a \$60.00 Residential Equivalency Factor. The Solid Waste Fees (as collected on the tax bill) are utilized to satisfy environmental monitoring and closure deposit requirements for the County's landfills. Remaining fees are used by the Solid Waste Enterprise Fund to offset expenses related to the countywide solid waste program and operation of the County's disposal sites.

The Solid Waste Fee Agreement with the Town (see Exhibit 2) is an annual renewal of previous agreements authorizing the County to collect fees on developed lands within the Town's jurisdiction in exchange for disposal at the Benton Crossing Landfill by Town residents and businesses. Upon approval by the Board, the Agreement will be forwarded to the Town Council for their consideration.

If you have any questions regarding this item, please contact either Matt Carter at 932-5453 or me at 932-5448.

Respectfully submitted,

Evan Nikirk
Public Works Director

Attachments: Exhibit 1 – Draft Resolution Re-Authorizing the Solid Waste Fee Program
Exhibit 2 – Draft Resolution Authorizing a Solid Waste Fee Agreement with the Town of Mammoth Lakes



RESOLUTION NO. R09-

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
EXTENDING AND RE-ESTABLISHING THE MONO COUNTY
SOLID WASTE FEE PROGRAM FOR FISCAL YEAR 2009-2010**

WHEREAS, pursuant to Section 25830 of the Government Code, on or before the first day of July of each year, the Board of Supervisors may by resolution or ordinance establish a schedule of fees to be imposed upon lands within the County in order to pay for County waste disposal and related services; and,

WHEREAS, in past years Mono County has imposed and collected a schedule of fees consistent with the requirements of Section 25830 of the Government Code, against both unincorporated land in the County and, with the agreement/consent of the Town Council of the Town of Mammoth Lakes, against land in the Town; and,

WHEREAS, the Board intends by this resolution to simply extend such existing fees and not to impose any new or increased fees that would be subject to Proposition 218.

NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors as follows:

1. The program and schedule of solid waste fees imposed by Resolution No. R08-25 is hereby re-established and extended, effective July 1, 2009, against land within the County, including land within the Town of Mammoth Lakes if the Town Council consents through entry into an agreement with the County, according to use and volume of waste generation, in order to raise revenues to pay for County solid waste disposal and related services, and to pay the costs of state-mandated programs related to County waste disposal facilities.
2. Each parcel of land and each of the various waste-generating uses on each parcel in Mono County shall be identified.

1 3. The “residential equivalent” for determination of the fee on lands containing a single-family
2 dwelling is hereby established as one (1.00). Each parcel or each waste-generating use on each
3 parcel, or both (as identified herein), shall be accorded the appropriate “residential equivalent”
4 on the basis of “Schedule A,” attached hereto and entitled “Solid Waste Generation Factors for
5 Selected Land Uses.” “Schedule A” is incorporated herein by this reference as if fully set forth,
6 and is made a part of the program established by this Resolution.

7 4. Annual fees shall be charged to the identified lands or uses on the basis of sixty dollars
8 (\$60.00) for each “residential equivalent.”

9 5. The Mono County “Solid Waste Fee Program” shall be administered and operated in
10 accordance with the following policies:

11 A. General Provisions.

12 1) There shall be only one fee for each waste-generating use on a parcel of property. For
13 example, if the landowner is assessed for all uses on his parcel, the individual waste
14 generating persons or entities using that parcel shall not be assessed.

15 2) Unless the Public Works Director determines that it is fair and equitable to impose a fee
16 on individual persons or entities generating waste on a parcel, the landowner shall be
17 charged the full amount due as a result of such waste generation.

18 B. Residential Uses.

19 1) Each owner of a single-family residence shall pay a fee calculated at the rate of “one
20 residential unit” or sixty dollars (\$60.00) per year.

21 2) If it is established that the residence is used fewer than 90 days each year, the owner
22 shall be charged a fee at the rate of one-fourth (0.25) of a “residential unit,” or fifteen
23 dollars (\$15.00) per year. If it is established that the residence is used six months or
24 less, but more than three months, the owner shall be charged a fee at the rate of one-
25 half (0.5) of a “residential unit,” or thirty dollars (\$30.00) per year.

26 3) Mobile homes and individual units in apartments and condominiums shall be charged a
27 fee in accordance with “Schedule A” and Section 5.B.2 of this Resolution.

28 4) The minimum fee for residential use shall not be less than one-fourth the yearly rate for
a “residential unit,” or fifteen dollars (\$15.00) per year.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

C. Other Uses.

- 1) Motels, Hotels, Lodges, and Campgrounds shall be charged a fee in accordance with a factor established by the “residential equivalent” assigned in “Schedule A.” Occupancy rate and months open for business may be taken into consideration.
- 2) Ranches and/or farms that dispose their waste on-site, in accordance with Mono County Health Department approvals, shall not be charged a fee.
- 3) Except as specified or clarified in Section 5.D, all other uses shall be charged a fee on the basis of the “residential equivalent factor” as set forth in this Resolution and “Schedule A.”

D. Multiple or Complex Uses.

- 1) Except as “Schedule A” may specifically assign a “residential equivalent factor” for the entire use (e.g., ski base lodge), where a single business entity operates or leases more than one type of waste generating business or use in a single building, the owner of the land or business shall be charged a fee on the basis of the use which has the highest “residential equivalent factor” and the assessment shall be the total thereof.
- 2) Except as “Schedule A” may specifically assign a “residential equivalent factor” to the entire use (e.g., shopping center), where individual waste generating entities operate in more than one building on one or more parcels, each waste generating use shall be assigned the highest “residential equivalent factor” and the fee shall be the total thereof.

E. There shall be no fee on unimproved parcels where waste is not generated.

F. There shall be no fee for Special Districts of the County that receive less than six-tenths of one percent (0.6%) of the countywide property tax allocation.

G. Billing and Collection.

- 1) The Public Works Director shall establish the appropriate fee. The billings for fees shall be based on the ownership status and uses of each parcel as of the first day of March preceding the fiscal year for which the fee is charged.
- 2) The Mono County Treasurer-Tax Collector shall collect fee payments through the property tax billing system.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

H. Appeals.

- 1) A property or business entity who or which has reason to believe that there should be no fee, that the “residential equivalent factor” has been improperly determined, or that the amount of the fee has been incorrectly calculated, may request the appropriate changes by notifying the Public Works Director in writing of the request no later than 20 days following the date of billing.
- 2) The Public Works Director shall, within 20 days following receipt of the written request, review the facts presented and certified to by the property owner or business entity and grant or deny the request. If the request is granted, the Public Works Director shall prepare an appropriately modified billing, if necessary. Modified billings shall be due and payable no later than 60 days following the billing date.
- 3) A property owner or business entity whose request pursuant to Section 5.H.1 is denied by the Public Works Director shall have the right to appeal that decision to the Board of Supervisors. The request for hearing shall be submitted to the Clerk of the Board of Supervisors within 10 days from the date of the denial notice from the Public Works Director.
- 4) The Board of Supervisors shall fix a time, date, and place for the hearing of any such appeal. The Board of Supervisors shall cause notice of the hearing to be mailed to the applicant not less than 10 days prior to the date set for hearing. At the hearing, the Board of Supervisors or its selected member(s) shall hear the applicant and, within five days, order such revision or correction to the fee as the Board deems just, if any.

I. Delinquent Fees.

- 1) The Public Works Director shall prepare a report of delinquent solid waste fees for the Board of Supervisors in order that the Board may fix a time, date, and place for hearing the report and any objections or protests thereto.
- 2) The Clerk to the Board shall mail the notice of the hearing to the landowners listed on the report not less than 10 days prior to the hearing.
- 3) The Board of Supervisors shall hear any objections or protests of landowners liable for delinquent fees. The Board may make such revisions or corrections to the report as it deems just, which, by resolution, the report shall be confirmed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4) The delinquent solid waste fees set forth in the report, as confirmed, shall constitute a lien on the property in the amount of the delinquent fees and the lien release fees. A late penalty of ten percent (10%) per year per installment shall attach if the amount is placed upon the tax bill and not paid in the time required by law, together with allowable costs and penalties. A certified copy of the confirmed report shall be filed with the Mono County Auditor-Controller.

SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Board of Supervisors hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsection, sentences, clauses, or phrases be declared unconstitutional.

APPROVED AND ADOPTED this 19th day of May, 2009, by the following vote of the Board of Supervisors, County of Mono:

- AYES :**
- NOES :**
- ABSENT :**
- ABSTAIN :**

DRAFT

Bill Reid, Chair
Mono County Board of Supervisors

ATTEST:
DRAFT

Clerk of the Board

Approved as to Form:
DRAFT

County Counsel

SCHEDULE A
SOLID WASTE GENERATION FACTORS FOR
SELECTED LAND USES

MONO COUNTY SOLID WASTE FEE PROGRAM

ITEM	LAND USE	RESIDENTIAL EQUIVALENT FACTOR
1	Aircraft Repair	1.00
2	Airports	4.00
3	Apartment, per Unit	1.00
108	Arcade	4.00
99	Auto Body & Paint Shop	2.00
4	Auto Service, Major Repairs	4.00
5	Auto Service, Minor Repairs	2.00
6	Auto Service, No Repairs	1.00
7	Bakery	2.00
8	Bank	4.00
9	Barber Shop	1.00
10	Batch Plant	4.00
11	Beauty Shop	1.00
12	Beer Bar	2.00
13	Boardinghouse	4.00
14	Boat Dock	4.00
15	Boat Repair	1.00
16	Boat Sales	1.00
17	Bunkhouse	2.00
18	Cabin, Rented	0.50
19	Campground, per Space	0.25
20	Cannery	4.00
21	Car Wash	2.00
22	Catering	2.00
23	Cinema	3.00

ITEM	LAND USE	RESIDENTIAL EQUIVALENT FACTOR
24	Church, with Kitchen	1.00
25	Church, without Kitchen	0.50
26	Cleaners	2.00
98	Commercial Ice Manufacturing	1.00
27	Community Center	1.00
28	Condominium, per Unit	0.50
29	Cookhouse	2.00
106	Correction Facility	1.00
107	Daycare Center	4.00
30	Dormitory, per Bed	0.15
31	Duplex	2.00
32	Fast Food Drive-In, No Seats	2.00
33	Fourplex	4.00
34	Government Housing, per Unit	1.00
35	Grocery Store (< 2,000 sq. ft.)	5.00
36	Grocery Store (2,000 - 40,000 sq. ft.)	10.00
37	Grocery Store (> 40,000 sq. ft.)	50.00
38	Guest House	1.00
39	Hangar	0.50
40	Highway Rest Area	10.00
41	Hospital, per Bed	1.00
101	Hotel, per Unit	0.25
42	Laboratory	1.00
43	Laundromat	3.00
105	Library	4.00
44	Light Industry	2.00
45	Lodge	1.00
46	Lounge	3.00
47	Lumber Yard	4.00
48	Machine Shop	1.00
100	Marine Corps Mtn. Warfare Training Center	103.00
49	Mill	4.00

ITEM	LAND USE	RESIDENTIAL EQUIVALENT FACTOR
103	Mini-Mart	2.00
50	Mini-Storage, per Unit	0.25
51	Mobile Home on Residential Parcel	1.00
52	Mobile Home Park, Spaces Rented	1.00
53	Mobile Home (3 per Parcel)	3.00
54	Mobile Home (2 per Parcel)	2.00
55	Motel, with Kitchen, per Unit	0.50
56	Motel, without Kitchen, per Unit	0.25
102	Museum	4.00
57	Newspaper	4.00
58	Office (< 10 employees)	2.00
59	Office (10-19 employees)	4.00
60	Office (20-28 employees)	6.00
61	Office (> 29 employees)	8.00
62	Pack Station	2.00
63	Park	6.00
64	Post Office	4.00
65	Recreational Facility (0 - 2,000 sq. ft.)	2.00
66	Recreational Facility (> 2,000 sq. ft.)	4.00
67	Repair, Tire	4.00
68	Repair, Truck	4.00
69	Residence	1.00
70	Residence (3 per Parcel)	3.00
71	Residence (2 per Parcel)	2.00
72	Restaurant (0 - 20 seats)	2.00
73	Restaurant (21 - 40 seats)	4.00
74	Restaurant (41 - 80 seats)	8.00
75	Restaurant (> 80 seats)	16.00
76	Retail, Auto Parts	2.00
77	Retail, Drug	2.00
78	Retail, Drug and Variety	4.00

ITEM	LAND USE	RESIDENTIAL EQUIVALENT FACTOR
79	Retail, Gifts	2.00
80	Retail, Hardware	4.00
81	Retail, Liquor	4.00
82	Retail, Other (0 - 2,000 sq. ft.)	2.00
83	Retail, Other (> 2,000 sq. ft.)	4.00
84	Retail, Sporting Goods	4.00
85	RV Park, per Space	0.25
86	Schools, with Food Service, per Student	0.50
87	Shopping Center (0 - 10,000 sq. ft.)	4.00
88	Shopping Center (10,001 - 20,000 sq. ft.)	8.00
89	Shopping Center (20,001 - 40,000 sq. ft.)	16.00
90	Shopping Center (40,001 - 80,000 sq. ft.)	32.00
91	Shopping Center (> 80,000 sq. ft.)	50.00
92	Ski - Base Lodge (0 - 4,000 sq. ft.)	4.00
93	Ski - Base Lodge (> 4,000 sq. ft.)	40.00
94	Studio, Photography	2.00
95	Triplex	3.00
104	USFS Building	4.00
96	Veterinary Hospital	2.00
97	Warehouse	2.00



RESOLUTION NO. R09-

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
AUTHORIZING IMPLEMENTATION OF A SOLID WASTE FEE
AGREEMENT WITH THE TOWN OF MAMMOTH LAKES
FOR FISCAL YEAR 2009 – 2010**

WHEREAS, pursuant to Section 25830 of the Government Code, on or before the first day of July of each year, the Board of Supervisors may by resolution or ordinance establish a schedule of fees to be imposed upon lands within the County in order to pay for County waste disposal and related services; and,

WHEREAS, in past years the County has imposed and collected a schedule of fees consistent with the requirements of Section 25830 of the Government Code, against both unincorporated land in the County and, with the agreement/consent of the Town Council of the Town of Mammoth Lakes, against land in the Town; and,

WHEREAS, the Board intends by resolution to re-establish and extend such existing fees and not to impose any new or increased fees that would be subject to Proposition 218; and,

WHEREAS, the County wishes to re-establish a Solid Waste Fee Agreement with the Town of Mammoth Lakes for the 2009-2010 fiscal year.

NOW, THEREFORE, BE IT RESOLVED by the Mono County Board of Supervisors, that the County does hereby authorize implementation of a Solid Waste Fee Agreement with the Town of Mammoth Lakes for the 2009-2010 fiscal year.

BE IT ALSO RESOLVED that the Director of Public Works (in consultation with County Counsel) is hereby authorized to execute such an agreement, said agreement to be in general

DRAFT

EXHIBIT 2

1 conformance with the terms and conditions identified in Attachment 1, "Solid Waste Fee Agreement
2 with the Town of Mammoth Lakes."

3
4 **APPROVED AND ADOPTED** this 19th day of May, 2009, by the following vote of the Board of
5 Supervisors, County of Mono:

- 6 **AYES :**
- 7 **NOES :**
- 8 **ABSENT :**
- 9 **ABSTAIN :**

DRAFT

Bill Reid, Chair
Mono County Board of Supervisors

12 ATTEST:
13 DRAFT

Approved as to Form:
DRAFT

14 _____
Clerk of the Board

County Counsel

15
16
17
18
19
20
21
22
23
24
25
26
27
28