



RESOLUTION NO. R12-

**A RESOLUTION OF THE MONO COUNTY BOARD OF SUPERVISORS
EXTENDING AND RE-ESTABLISHING THE MONO COUNTY
SOLID WASTE FEE PROGRAM FOR FISCAL YEAR 2012-2013**

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. R11-39 is hereby re-established and extended, effective July 1, 2012, 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.
3. The “residential equivalent” for determination of the fee on lands containing a single-family dwelling is hereby established as one (1.00). Each parcel or each waste-generating use on each parcel, or both (as identified herein), shall be accorded the appropriate “residential equivalent” on the basis of “Schedule A,” attached hereto and entitled “Solid Waste Generation Factors for Selected Land Uses.” “Schedule A” is incorporated herein by this reference as if fully set forth, and is made a part of the program established by this Resolution.
4. Annual fees shall be charged to the identified lands or uses on the basis of sixty dollars (\$60.00) for each “residential equivalent.”
5. The Mono County “Solid Waste Fee Program” shall be administered and operated in accordance with the following policies:

A. General Provisions.

- 1) There shall be only one fee for each waste-generating use on a parcel of property. For example, if the landowner is assessed for all uses on his parcel, the individual waste generating persons or entities using that parcel shall not be assessed.
- 2) Unless the Public Works Director determines that it is fair and equitable to impose a fee on individual persons or entities generating waste on a parcel, the landowner shall be charged the full amount due as a result of such waste generation.

B. Residential Uses.

- 1) Each owner of a single-family residence shall pay a fee calculated at the rate of “one residential unit” or sixty dollars (\$60.00) per year.
- 2) If it is established that the residence is used fewer than 90 days each year, the owner shall be charged a fee at the rate of one-fourth (0.25) of a “residential unit,” or fifteen dollars (\$15.00) per year. If it is established that the residence is used six months or less, but more than three months, the owner shall be charged a fee at the rate of one-half (0.5) of a “residential unit,” or thirty dollars (\$30.00) per year.
- 3) Mobile homes and individual units in apartments and condominiums shall be charged a fee in accordance with “Schedule A” and Section 5.B.2 of this Resolution.

- 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.

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 or, for properties not otherwise receiving a tax bill, the Public Works Department may bill for and collect fee payments by invoice.

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 list of solid waste fees for each respective parcel which remain unpaid for a period of 60 or more days after the date upon which they were billed. A certified copy of the confirmed list shall be filed with the Mono County Auditor-Controller.

2) The delinquent solid waste fees set forth in the list shall constitute special assessments against the respective parcels of land and, upon recordation in the office of the County Recorder, are a lien on the property in the amount of the delinquent fees as provided in Government Code section 25831. The assessments may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for those taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem property taxes shall be applicable to the assessment, except as provided by subdivision (d) of Government Code section 25831.

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 12th day of June, 2012, by the following vote of the Board of Supervisors, County of Mono:

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

Vikki Magee-Bauer, Chair
Mono County Board of Supervisors

ATTEST:

Approved as to Form:

Clerk of the Board

County Counsel