

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Supervisor Marion Ashley

SUBMITTAL DATE:
March 9, 2004

SUBJECT: Second Amendment to Ordinance No. 745 regulating the Comprehensive Collection and Disposal of Solid Waste Within Specified Unincorporated Areas of Riverside County

RECOMMENDED MOTION:

1. That the Board introduce and set for public hearing the adoption of Ordinance No. 745.2. regulating the Comprehensive Collection and Disposal of Solid Waste Within Specified Unincorporated Areas of Riverside County;
2. That the Board authorize the Clerk to place an advertisement for the Public Hearing in the appropriate local publications;
3. That upon the close of the Public Hearing the Board adopt Riverside County Ordinance No. 745.2

BACKGROUND:

Riverside County's waste handling Ordinance (No. 657) does not require that residents or businesses subscribe to waste removal services from a company only that the waste be removed on a weekly basis. Ordinance No. 745, originally adopted in November of 1994, allows the Board of Supervisors to designate, by Resolution, specific Comprehensive Collection Areas in which such subscription to service, with specified exemptions, is mandated.

Marion Ashley

MARION ASHLEY, Supervisor
5th District

FORM APPROVED
COUNTY COUNSEL

MAR 04 2004

BY *Lee A. ...*

Consent
 Policy

 Consent
 Policy

 Dep't Recomm.:
 Per Exec. Ofc.:

3.50

Submittal Date: March 9, 2004

In 1997, prior to the designation of any Comprehensive Collection Areas, the Ordinance was amended to its current form.

Comprehensive Collection Areas are established by Board resolution identifying the area boundaries and any conditions or requirements specific to that area. To date, nine (9) Comprehensive Collection areas have been approved by the Board. While a few of these areas were established to take advantage of more favorable trash rates, a growing number are seen as integral parts to the County's ongoing programs to address illegal dumping.

One of the major revisions of the 1997 amendment was the elimination of language under which the County guaranteed payment to the waste hauler by creating a special assessment (tax lien) on the property of non-complying residents and businesses. Per that revision, non-complying residents and businesses in these areas are subject to enforcement actions, up to and including citation, by the Department of Environmental Health.

The Franchisees have consistently pressed for the County reimbursement and special assessment process as a more consistent and reliable system for mandatory collection. After six years of experience with Comprehensive Collection, staff believes that County payment and tax liens may be appropriate in selected areas. Under the current process, each non-complying person must be individually and personally served with a citation as an infraction. If a responsible party is not present, a return visit must be made. If the responsible party is not the owner of the property, service becomes an even greater issue, and the simple act of moving from the house can make it difficult, if not impossible, the secure payment for prior waste collection services. Under the proposed option, this process becomes administrative, rather than a confrontational regulatory activity.

The amendment submitted here today will re-establish:

- A mechanism by which to County will reimburse the franchised Haulers for those customers that fail to pay for the service, and
- The authority and process by which those unpaid collection expenses create a special assessment on the property, making the property owner ultimately responsible for payment.

Unlike the original ordinance language, however, this is established as an option that can be selected on an area-by-area basis. Existing mandatory collection areas will not be affected by this amendment unless individually authorized by the Board, and new mandatory collection areas can still be established without the guarantee of payment via tax lien.

The amended Ordinance retains all provisions allowing for self-haul exemptions to the requirements

FINANCIAL: The implementation of this Ordinance is not expected to result in any increased costs to the County

1 unpaid, subsequent proceedings may be taken to make said fees and
2 charges a special assessment on the real property to which said solid
3 waste collection service was rendered.

4 Section 12. Report of Delinquencies transmitted to Board of
5 Supervisors.

6 The Director shall, on annual basis, prepare and submit a report
7 of delinquent charges and a proposed resolution confirming the report
8 to the Board, thereby initiating proceedings before the Board to make
9 delinquent solid waste collection service fees a special assessment and
10 lien against the parcels of property situated within the County to
11 which said service was rendered and fees paid by the County and not
12 reimbursed by the Owner. Upon receipt of the report, the Board shall
13 fix a time, date, and place for hearing the report. The Board shall
14 cause notice of the hearing to be mailed to the Owners of the property
15 listed on the report not less than 10 days prior to the date of the
16 hearing. At the hearing the Board shall hear any objections or
17 protests of property owners liable to be assessed for delinquent
18 charges. The Board may make revisions or corrections to the report
19 as it deems just, after which, by resolution, the report shall be
20 confirmed.

21 Section 13. Collection of Assessment.

22 The delinquent charges set forth in the report specified in
23 Section 12 of this ordinance and as confirmed therein shall constitute
24 special assessments against the respective parcels of land and are a
25 lien on the property for the amount of the delinquent charges. A
26 certified copy of the conformed report, as well as all data and
27 documentation required by the Auditor-Controller as specified in that
28 office's procedures for placement of fixed charge benefit assessments
on the tax roll, shall be filed with the County Auditor-Controller, on

1 or before August 10, for the amounts of the respective assessments
2 against the respective parcels of land as they appear on the current
3 assessment roll. The lien created attaches upon recordation in the
4 Office of the County Recorder of a certified copy of the resolution of
5 confirmation. The assessment shall be collected at the same time and
6 in the same manner as ordinary County ad valorem taxes are collected
7 and shall be subject to the same penalties and the same procedure and
8 sale in case of delinquency as provided for those taxes. All laws
9 applicable to the levy, collection, and enforcement of County ad
10 valorem taxes shall be applicable to the assessment, except that if any
11 real property to which the lien would attach has been transferred or
12 conveyed to a bona fide purchaser for value, or if a lien of a bona fide
13 encumbrance for value has been created and attaches thereon, prior to
14 the date on which the first installment of the taxes would become
15 delinquent, then the lien which would otherwise be imposed hereby
16 shall not attach to the real property and the delinquent charges, as
17 confirmed, relating to the property shall be transferred to the
18 unsecured roll for collection.

19 Section 14. Continuing Appropriation Account.

20 There is hereby created in the Environmental Health
21 Department, a fund account entitled "Payment of Property Owner's
22 Delinquencies for Solid Waste Collection Service". This fund is
23 hereby created by a forty thousand dollar (\$40,000.00) appropriation
24 from current years Solid Waste Franchise Fees. Thereafter, this
25 account shall be credited with such sums as may be appropriated by
26 the Board of Supervisors from the originating source, franchise or
27 permit fees, delinquencies collected by the Environmental Health
28 Department, assessments collected by the Tax Collector, and sums

1 received in consideration of release of liens. Expenditures from said
2 sums shall be made to Haulers for Owner delinquent accounts."

3 SECTION 4. Section 14 of Ordinance 745.1 is hereby repealed.

4 SECTION 5. Except as otherwise provided herein, all other terms and provisions of Ordinance 745.1 shall
5 remain in full force and effect.

6 SECTION 6. This Ordinance shall take effect thirty (30) calendar days after adoption.

7
8
9
10
11
12
13
14
15
16 G:\Property\LVinocou\Ordinance\745.1.doc
17
18
19
20
21
22
23
24
25
26
27
28