

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



ITEM: 12.5
(ID # 11984)

MEETING DATE:
Tuesday, April 07, 2020

FROM: DEPARTMENT OF WASTE RESOURCES AND Department of Environmental Health :

SUBJECT: DEPARTMENT OF WASTE RESOURCES/DEPARTMENT OF ENVIRONMENTAL HEALTH: Transfer Fiscal Agent Authority For Franchise Area 8 from the Department of Waste Resources to the Department of Environmental Health, District 3. [\$0 - Franchise Area 8 Fund #23000] (CEQA Exempt)(4/5 Vote)

RECOMMENDED MOTION: That the Board of Directors:

1. Find that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule for Exemption) and Section 15273 (Rates, Tolls, Fares, and Charges);
2. Transfer Fiscal Agent Authority for Franchise Area 8 From the Department of Waste Resources (DWR) to the Department of Environmental Health (DEH);
3. Direct the Auditor-Controller to transfer the administration of Special Revenue Fund 23000-Franchise Area 8, from which payments are made to the Franchisee, from DWR to DEH as shown on Schedule A;
4. Direct the Auditor-Controller to remove DWR Department ID 4500300000 from Fund 23000 and replace with DEH Department ID 4200400000; and
5. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk within five working days of approval by this Board.

ACTION: Policy, 4/5 Vote Required

Hans Kemkamp, General Manager - Chief Engineer

3/4/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: April 7, 2020
xc: Waste, Auditor

Kecia R. Harper
Clerk of the Board

By:
Deputy

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FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: Franchise Area 8 Fund 23000, 100%			Budget Adjustment:	Yes
			For Fiscal Year:	19/20

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Ordinance 745 requires that solid waste generated within specified unincorporated areas of Riverside County is collected by a duly authorized Franchisee. The Franchisee operates under a Franchise Agreement administered by the DEH. Ordinance 769 sets guidelines for the establishment of parcel fees on land located in the Idyllwild, and Anza/Pinyon areas (Franchise Area 8) to provide for the collection of solid waste generated from residential use of such parcels. On December 2, 1997, the Board approved action to establish a Special Revenue Fund from which to render quarterly payments of parcel fees for waste collection/disposal in Franchise Area 8 to the Franchisee, and assigned fiscal agent authority to DWR.

In the fiscal agent role, the DWR reviews annual tax rolls in coordination with DEH to confirm applicability of parcel fees. Upon collection of parcel fees, the Treasurer/Tax Collector deposits funds in the Special Revenue Fund. DWR, in turn passes through payment to the Franchisee. Given that DWR has no role in administering the Franchise Agreement, and must coordinate with DEH to confirm applicability of parcel fee assessment, DWR proposes that the fiscal agent role for Franchise Area 8 be reassigned to DEH. This action will eliminate redundancy and improve the efficiency of the parcel fee review/assessment process with no impact to citizens or business.

Prev. Agn. Ref.: M.O. 3.4 of 12/2/97

California Environmental Quality Act (CEQA) Findings

The Project is exempt from CEQA pursuant to State CEQA Guidelines Section 15061(b)(3) (General Rule for Exemption) and Section 15273 (Rates, Tolls, Fares, and Charges). The Project contemplated in this Form 11 simply involves reassignment of administrative responsibilities for Franchise Area 8 parcel fee assessments from the DWR to the DEH. The Project will not have a direct, indirect, or cumulatively significant effect on the environment. A Notice of Exemption (NOE) to this effect will be filed with the County Clerk upon Project approval.

Impact on Residents and Businesses


Approval of this item will result in improvements to the efficiency of the parcel fee review/assessment process with no impact to citizens or business.


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STATE OF CALIFORNIA

ATTACHMENTS:

Attachment A. Schedule A

Attachment B. Notice of Exemption


Misley Wang, Supervising Accountant 3/24/2020


Jason Farin, Senior Management Analyst 3/30/2020


Gregory F. Priamos, Director County Counsel 3/24/2020

Schedule A – Budget Adjustment

Decrease Appropriation:

23000 45000300000 523230

Miscellaneous Expense

\$ 675,287

Decrease Estimate Revenue:

23000 4500300000 777310

Land Use Fees-Cities

\$675,287

Increase Appropriation:

23000 4200400000 523230

Miscellaneous Expense

\$675,287

Increase Estimate Revenue:

23000 4200400000 777310

Land Use Fees - Cities

\$675,287



Hans W. Kernkamp, General Manager-Chief Engineer

DATE: April 7, 2020
TO: COUNTY OF RIVERSIDE
OFFICE OF THE CLERK/RECORDER
FROM: Kinika Hesterly *kinika hesterly*
Urban/Regional Planner IV

Original Negative Declaration/Notice of
Determination was routed to County
Clerks for posting on.
4/9/2020 KH
Date Initial

RE: **Notice of Exemption (NOE) 20-02: Transfer Fiscal Agent Authority for Franchise Area 8 from Riverside County Department of Waste Resources to Riverside County Department of Environmental Health**

Please post the NOE for the above referenced project for 30 days, in accordance with the CEQA Guidelines, Section 15062(c)(2). The following accounting string should be used for the applicable fees:

Department: 4500100000
Fund: 40200
Program: 99962
Expense Account: 523220
Location/Class: 4280
Project Number: N/A

If you have any questions, I can be reached at (951) 486-3283.

Thank you.

APR 07 2020

12.5



Hans W. Kernkamp, General Manager-Chief Engineer

NOTICE OF EXEMPTION

DATE: March 24, 2020

TO: County Clerk, County of Riverside

PROJECT CASE NO/TITLE: NOE 20-02: Transfer Fiscal Agent Authority for Franchise Area 8 from the Riverside County Department of Waste Resources (DWR) to the Riverside County Department of Environmental Health (DEH)

PROJECT LOCATION: County of Riverside: Idyllwild and Anza/Pinyon areas (Franchise Area 8)

PROJECT DESCRIPTION: Currently, the DWR reviews annual tax rolls in coordination with DEH to confirm applicability of parcel fees in Franchise Area 8 to provide for the collection of solid waste generated from residential use. The proposed Project is an administrative action that will transfer fiscal agent authority from DWR to DEH to eliminate redundancy and improve efficiency of the parcel fee review/assessment process.

PUBLIC AGENCY APPROVING PROJECT: County of Riverside (County)

PROJECT SPONSOR: County DWR and DEH

The Project is exempt from the provisions of CEQA, specifically by the State CEQA Guidelines as identified below. The Project will not result in any specific or general exceptions to the use of categorical exemptions as detailed under State CEQA Guidelines section 15300.2. The Project will not cause any impacts to scenic resources, historic resources, or unique sensitive environments and instead will improve the environment once the Project is completed. Further, no unusual circumstances or potential cumulative impacts would occur that may reasonably create a direct or reasonably foreseeable indirect physical environmental impact.

EXEMPT STATUS:

- Ministerial
- Declared Emergency
- Emergency Project
- Categorical Exemption
- Statutory Exemption: Section 15273, Rates, Tolls, Fares, and Charges
- Other Exemption: Section 15061(b)(3), General Rule Exemption

REASONS FOR EXEMPTION:

Section 15061(b)(3), General Rule Exemption

The activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

This project is exempt under Section 15061(b)(3) because:

The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant adverse effect on the environment. The Project involves transferring fiscal agent authority for Franchise 8 from DWR to DEH. This is an administrative activity that will eliminate redundancy and improve efficiency and does not involve disturbance to the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment, the activity is not subject to CEQA. As such, the exemption applies and no further evaluation under CEQA is required. See *Muzzy Ranch Co. v Solano County Airport Land Use Comm'n* (2007) 41 Cal.4th 372.

Section 15273, Rates, Tolls, Fares, and Charges Exemption

The activity is covered by this exemption since CEQA does not apply to the establishment, modification, structuring, restructuring or approval of rates, tolls, fares, or other charges by public agencies as defined in Section 15273. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

This project is exempt under Section 15273 because:


The Project involves an administrative transfer of fiscal agent authority from DWR to DEH only and does not involve disturbance to the environment. This is merely a restructuring of the process for reviewing parcel fees/assessments in Franchise Area 8. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment, the activity is not subject to CEQA. As such, the exemption applies and no further evaluation under CEQA is required.

FINDINGS:

- 1) Based upon the identified exemptions and justifications above, the DWR, on behalf of the County, hereby concludes that no physical environmental impacts are anticipated to occur and the Project as proposed is exempt under CEQA. No further environmental analysis is warranted.
- 2) As demonstrated in the previous section (Reasons for Exemption), the proposed Project is exempt from CEQA pursuant to State CEQA Guidelines Sections 15061(b)(3) and 15273.

If there are any questions regarding the above matter, please contact the Project sponsor at (951) 486-3200.

**Hans Kernkamp, General Manager - Chief Engineer
Riverside County Department of Waste Resources**

By: 

Kinika Hesterly

Title: Urban/Regional Planner IV

Date: March 24, 2020