

ORDINANCE NO. 2020-01
AN ORDINANCE OF THE SALTON COMMUNITY SERVICES DISTRICT
ESTABLISHING PARCEL FEES ON LAND LOCATED
IN THE DISTRICT TO PROVIDE FOR THE
COLLECTION OF SOLID WASTE GENERATED FROM
RESIDENTIAL USE OF SUCH PARCELS

WHEREAS, a considerable volume and variety of solid wastes are being generated by households in the District;

WHEREAS, such wastes create conditions which could threaten the public health, safety, and well-being by potentially contributing to water and land pollution, and to the general deterioration of the environment in the District;

WHEREAS, it is becoming increasingly necessary for the protection of the health, safety and welfare of the residents that solid waste generated in these areas be promptly and safely collected and disposed of in an orderly and efficient manner;

WHEREAS, the orderly collection of solid waste will reduce illegal dumping and the harm to the environment resulting therefrom;

WHEREAS, California Government Code Sections 25827 and 25828 authorize the collection of solid waste and provide for payment by those properties benefited thereby. In light of the findings above made, the District has entered into an Exclusive Franchise Agreement for Solid Waste and Recycling Services (the "Franchise Agreement") between the Salton Community Services District and Burrtec Waste and Recycling Services, LLC (the "Contractor"); and

WHEREAS, The Board of Directors declares that the most flexible and effective way to provide revenue for the collection and disposal of refuse in the District is to impose a charge on all residential premises in the District.

NOW, THEREFORE THE BOARD OF DIRECTORS OF THE SALTON COMMUNITY SERVICES DISTRICT DOES ORDAIN AS FOLLOWS:

Section 1. ESTABLISHMENT OF PARCEL FEE AMOUNTS.

A. A charge fixed by resolution of the Board of Directors for services rendered in the normal collection, removal and disposal of solid waste by the Contractor under the Franchise Agreement shall be collected from the owner of each property in the District improved with residential premises, unless the owner requests for the charges not to be placed on the county tax roll and elects to either (i) have the charges billed by and paid directly to the Contractor, (ii) pursuant to the self-haul residential program, (iii) pursuant to the part-time residential exemption program, (iv) pursuant to the landlord exemption program, or (v) pursuant to the "other" exemption program, properly disposes and pays for subsequent disposal thereof. In the event the owner elects option (i), (ii), (iii), (iv), or (v) above, and the owner or the tenant fails to timely pay the fees or charges due to Contractor, or pursuant to the self-haul residential program, the part-time

residential program, an exemption program or “other” program, trash is not properly disposed of and payment for subsequent disposal is not timely paid after notification by the Salton Community Services District, such fees, and all future fees may then be placed on the tax roll. Each such owner shall be liable for the collection charge whether or not collection services are utilized. The charges placed on the tax roll shall be billed and collected with property taxes by the office of the county auditor controller-tax collector and/or other appropriate county offices

- B. Charges for special services provided to owners or occupants of residential premise such as roll-off service or bin service, shall be billed by and paid directly to, the Contractor.
- C. Parcel fees shall be adjusted in accordance with the terms of the Franchise Agreement and in compliance with the notice and protest procedures provided by Proposition 218 reflected in Article XIID of the California Constitution and Government Code Section 53753.

Section 2. COLLECTION OF PARCEL FEES.

Pursuant to the authority of Health and Safety Code Section 5473 and California Government Code Sections 25827 and 25828, parcel fees placed on the tax roll shall be collected at the same time and in the same manner as ordinary county ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for with those taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem taxes shall be applicable to parcel fees, except that if any real property to which a lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the lien which would otherwise be imposed by this section shall not attach to the real property and the delinquent charges, as confirmed, relating to the property shall be transferred to the unsecured roll for collection.

Section 3. CANCELLATION OR REDUCTION OF FEES.

- A. All or any portion of any such parcel fee(s), penalty or costs heretofore entered, shall, on order of the Board of Directors, be canceled by the County Auditor-Controller if uncollected, or, except in the case provided for in subdivision (4) hereof, refunded by the County Treasurer-Tax Collector, if collected, if the fees were imposed or paid:
 - (1) More than once;
 - (2) Through clerical error;
 - (3) Illegally; or
 - (4) On property acquired after the lien date by the State or by any county, city, school district, special district, or other political subdivision, and because of this public ownership, is not subject to sale for delinquent taxes.
- B. No order for a refund under this section shall be made except on a written claim:
 - (1) Verified by the person who paid the parcel fee(s), his guardian, executor or administrator; and,

(2) Filed within ninety (90) days after making the payment sought to be refunded.

Section 4. RELEASE OF CHARGE OR LIEN.

The General Manager or his or her designee shall have sole authority to execute any document that may be required to release or extinguish a charge or lien that has been recorded against a parcel which is inconsistent with this ordinance.

Section 5. SEVERABILITY.

If any part or provision of this ordinance, or application thereof, to any person or circumstance is held invalid, the remainder of this ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

Section 6. EFFECTIVE DATE AND PUBLICATION.

The President shall sign and the Secretary shall certify to the passage of this Ordinance and cause the same or a summary thereof to be published within 15 days after adoption in accordance with Government Code Section 36933. This Ordinance shall take effect 30 days after adoption in accordance with Government Code Section 36937.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the Board of Directors of the Salton Community Services District, held on the _____ day of _____, 2020, by the following roll call vote:

	Yes	No
Dale Johnson, President	_____	_____
Barbara Quiroz, Vice President	_____	_____
Fran Aldridge, Director	_____	_____
Chris Klontz, Director	_____	_____
John Connelly, Director	_____	_____

PASSED, APPROVED AND ADOPTED at a regular meeting of the Board of Directors of the Salton Community Services District held on the _____ day of _____, 2020.

Dale Johnson, President

Attest:

Roxana Chavez, Board Secretary