

MARIPOSA COUNTY ORDINANCE NO. 942

**AN ORDINANCE ESTABLISHING A MANDATORY
SOLID WASTE COLLECTION SERVICE WITHIN THE
WAWONA COUNTY SERVICE AREA 2-W**

WHEREAS, the Wawona Town Planning Advisory Committee has recommended the initiation of a Solid Waste Collection Service within the Wawona County Service Area (CSA) 2-W, and

WHEREAS, the Board of Supervisors finds that it is necessary to establish a mandatory collection and removal service within the Wawona CSA 2-W for all residential refuse and commercial solid waste, and

WHEREAS, the Board of Supervisors believes it is in the public's best interest to ensure that all solid waste generated in Wawona is collected, removed, and disposed of to avoid a health hazard and/or nuisance;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

SECTION I: Paragraph 2 of Section 8.36.020 entitled "Definitions" of Chapter 8.36 entitled "Solid Waste Disposal" shall be amended to read in its entirety as follows:

"2. Board. "Board" means the board of supervisors of the county of Mariposa or the board of directors of the Wawona county service area 2-W.

SECTION II: Text shall be added to section 8.36.110 and entitled "Mandatory collection in the Wawona County Service Area 2-W" and shall read in its entirety as follows:

"A. Findings. The board finds that it is necessary to establish a mandatory collection and removal service within the Wawona county service area (CSA) 2W boundaries (also known as Section 35) for all residential refuse and commercial solid waste, except for solid waste generated by the National Park Service (NPS) operations, their employees, their contractors, their concessionaires or lawfully-established religious organizations. This is necessary because of the unique nature of the Wawona community and in order to provide for a reasonable means to assure that all solid waste generated in Wawona is collected, removed and disposed of in a manner that will not result in litter, a nuisance, a health hazard or attract vectors.

B. Affected persons. This ordinance shall apply to all residential premises with habitable structures including those leased to non-NPS employees by the NPS, commercial businesses, motels, transient rental operations, and state or local government facilities.

C. Responsibilities of unaffected persons or organizations. Those persons or organizations not affected by this section shall be required to provide for collection and removal of all solid waste generated by same through their own means or by contract

with a collector in compliance with this chapter. If said parties refuse to comply, the board reserves the right to amend this chapter to include same within the mandatory solid waste services provided by the Wawona CSA 2W.

D. Types of solid waste not included. Bulky waste, hazardous waste and construction/demolition wastes are not included in the mandatory collection and removal service. The persons generating such waste shall be responsible for proper disposal of same as described elsewhere in this chapter.

E. Board to establish exclusive collector contract or county-owned service. The board will enter into an exclusive contract with a qualified collector to provide the above-stated service. The contract collector shall use only those disposal sites designated by the board. Alternatively, the board may choose to provide the service with employees of Mariposa County and with equipment owned or leased by Mariposa County.

F. Board to establish fees for solid waste collection and removal service. The board will establish fees for the above-stated services based on the cost of providing the services plus a reasonable rate of return on investment, and the administrative costs incurred by the County, in accordance with state laws governing CSA's and fees for solid waste collection/removal services. The fees will be collected in a manner allowed by CSA law and will be reviewed and adjusted annually as required by CSA law."

SECTION III: This Ordinance shall become effective thirty (30) days after final passage pursuant to Government Code § 25123.

PASSED AND ADOPTED by the Board of Supervisors of Mariposa County this 15th day of December, 1998 by the following vote:

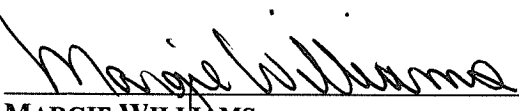
- AYES:** Reilly, Stewart, Pickard
- NOES:** Balmain, Parker
- ABSENT:** None
- ABSTAINED:** None



PATTI A. REILLY, Chair

ATTEST:

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**



MARGIE WILLIAMS
 Clerk of the Board



JEFFREY G. GREEN
 County Counsel



COUNTY of MARIPOSA

P.O. Box 784, Mariposa, CA 95338 (209) 966-3222

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GARRY R. PARKER

DISTRICT I
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MARIPOSA COUNTY BOARD OF SUPERVISORS

MINUTE ORDER

TO: MIKE EDWARDS, Public Works Director
FROM: MARGIE WILLIAMS, Clerk of the Board
SUBJECT: Public Hearing Relative to Solid Waste Collection Service; Ord. 942

THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, CALIFORNIA,

ADOPTED THIS Order on December 15, 1998

ACTION AND VOTE:

Mike Edwards, Public Works Director;

PUBLIC HEARING on the Matter of Establishing a Solid Waste Collection Service within the Wawona County Service Area 2-W, and to Establish and Implement a Fee for Said Service, and Approve Contract with Total Waste Systems, Inc.

BOARD ACTION: Mike Edwards advised that the Public Hearing has been rescheduled for January 5, 1999, at 2:00 p.m. at the Mariposa County Government Center, Board Chambers, due to public noticing time constraints relative to new regulations put into effect with Proposition 218. However, since this matter was noticed, he recommended that the staff report be presented and that the Board take public input and discuss the issue, but not to the point of taking action. He also advised that for those who were present and wished to file a protest, that it could not be accepted verbally at this time; however, forms were available for filing it in writing. Chair Reilly clarified that the process for protest will be addressed in the staff report. Mike Edwards advised that staff is recommending that action be taken today to adopt the ordinance establishing a mandatory solid waste collection service within the Wawona County Service Area 2-W. Staff responded to questions from the Board relative to the recommendation to adopt the ordinance. Mike Edwards continued with the staff report and reviewed the hearing procedures, responses received, and the protest process. Staff responded to additional questions from the Board relative to the staff report; clarification of the protest numbers; and relative to concerns expressed in the letter of December 11, 1998, from the Wawona Area Property Owners Association (WAPOA).

Pierce Loberg, WAPOA, responded to questions from the Board and clarified that their objective is for 100% participation and to solve the trash collection problem. They feel the inclusion of the Seventh Day Adventist Camp is important because it is a large facility. In regard to the Yosemite Concession Services' employees that reside in Section 35 in houses owned by the government, the Association would like to have the Board's assurance that its objective is to work toward including them. He thought a local advisory

group would recommend the rates and requested that this be included in the ordinance, along with review before the end of the fiscal year versus eighteen months. Pierce Loberg responded to a question from the Board and clarified that their recommendation to use the advisory committee as a resource in looking at any rate adjustments.

Jeff Green, County Counsel, responded to questions from the Board relative to jurisdictional issues between the Park Service and the County for Wawona, and jurisdiction of Yosemite Concession Services in this matter.

Oly Olson, National Park Service – Wawona District Ranger, stated the jurisdictional agreement in Wawona is for the private property and excludes federal property.

Chair Reilly reminded everyone that the public hearing was rescheduled for January 5, 1999; however, anyone who would like to provide input at this time may do so. Input from the public was provided by the following:

Autumn Christianson expressed concern with the proposed fee rates and stated she feels 100% participation should be required – the Park Service should not be excluded.

Mary Jane Koller, speaking on behalf of Joyce Koller and the Redwoods, advised that in speaking with others in the area, they felt they only needed to communicate with the Board if they were opposed. She feels the lack of communication is an implied approval of the proposal.

Dr. Ralph Harder stated he is a member of the Town Planning Advisory Committee and understands the reason for delaying this process; however, this is not an elective matter. They have been told that garbage service will cease unless something happens and he hopes that this proceeds as quickly as it can. He feels it is necessary and there is not an option.

Mike Edwards provided input relative to the number of residences occupied by Yosemite Concession Services' employees and those owned and occupied by the Park Service and employees and their garbage collection services. He also advised that to include the Seventh Day Adventist Camp would require another hearing.

Bruce Atkinson/Public Works Special Projects Coordinator, provided input relative to the possible inclusion of the Seventh Day Adventist Camp and the Yosemite Concession Services and the Park Service with a zero assessment at this time.

Oly Olson noted that the Seventh Day Adventist Camp has Total Waste Systems as a contractor for their garbage collection at this time. Mike Edwards noted that this is a long-term arrangement, and if the contract is cancelled, they would propose to include them in this service.

Tony Christianson asked if there is any downside to including the Seventh Day Adventist Camp at this time. Mike Edwards advised that they have a service that is working at this time and it is a large use and it would take time to determine a fee.

Pierce Loberg stated he agrees with the idea of including all of the property and placing a zero assessment on the ones that are recommended for exclusion at this time, and he feels that would provide the vehicle to include them at a future date. He reiterated that he feels the objective should be to have a single trash collection service.

Jeff Green, County Counsel, responded to questions from the Board and advised that appropriate notice has not been given to include the Camp and Yosemite Concession Services at this time, even with a zero assessment; relative to Proposition 218 requirements for setting fees; and whether the County is required to provide solid waste collection services. Mike Edwards provided additional input relative to Proposition 218 processes and solid waste collection services. Discussion was held by the Board relative to the issues raised, including consideration of pro-rating the fees for vacation rentals and other seasonal uses.

Oly Olson noted that the sewer service is a flat rate and is not adjusted if a home is not occupied – it is based on the number of bedrooms in the house.

Tony Christianson noted there is an exception to the sewer rates if they are hooked to the Park Service water system.

Pierce Loberg suggested that the electrical meter could be used as proof of non-occupancy to provide relief with the rates.

Further discussion was held by the Board relative to options for the rate structure during non-occupancy, and relative to the continuity of service. Stu Katte, Total Waste Systems, indicated there would not be a lapse in service as long as the County is continuing with the process and it does not drag out.

Paul Desantis, Pine Tree Market, stated he agrees with comments relative to the need for disposal services for private homes that are rented – over the last ten years, many people have come to the Market with bags of trash and asked where to dispose of it.

Discussion was held relative to including the Advisory Committee in the fee structure review, and Mike Edwards advised than an amendment to the scope of duties for the Advisory Committee could be brought back to the Board for approval.

Larry Williams, Chairman of the Advisory Committee, stated he feels that most members of the Committee would be in favor of scrutinizing this operation on a regular basis. He does not see any reason why modifications can't be made from time-to-time – what is needed now is a program for collecting trash in Wawona.

(M)Pickard, (S)Stewart, second reading was waived and Ordinance No. 942 adopted establishing a mandatory solid waste collection service within the Wawona County Service Area 2-W. Discussion was held relative to requiring 100% participation and notification requirements. Ayes: Reilly, Stewart, Pickard; Noes: Balmain, Parker.

cc: Jeffrey G. Green, County Counsel
Janet Hogan, County Administrative Officer
Ken Hawkins, Auditor
File