

RESOLUTION NO. ____

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF VENTURA
ESTABLISHING THE SOLID WASTE FEES AS PROVIDED BY
THE VENTURA COUNTY ORDINANCE CODE AND SOLID WASTE
CONTROL FEE AS PROVIDED BY THE PUBLIC RESOURCES CODE**

WHEREAS, the Environmental Health Division of the Resources Management Agency has been designated as the solid waste enforcement agency for Ventura County in accordance with section 43203 of the Public Resources Code; and

WHEREAS, sections 43213 and 44106 of the Public Resources Code and section 101325 of the Health and Safety Code provide for the reimbursement of the costs of the Environmental Health Division; and

WHEREAS, the Board of Supervisors of the County of Ventura (Board) has adopted County Ordinance No. 4423 authorizing the setting and collection of fees to offset these costs; and

WHEREAS, section 4703 of Ventura County Ordinance Code authorizes the Board to establish such fees by resolution; and

WHEREAS, the Board last adopted such fees by resolution dated June 9, 2020;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board that the following schedule of fees is hereby adopted pursuant to Ventura County Ordinance Code section 4703:

1. **Health Permits** – The fee for a solid waste health permit issued or renewed in accordance with Ventura County Ordinance Code section 4702-1 shall be \$97.00 annually.
2. **Solid Waste Control Fee** –
 - a. **Solid Waste Facility** – Except as otherwise provided herein, each operator of a solid waste facility, as defined in Ventura County Ordinance Code section 4701-33, located anywhere in the County of Ventura, shall pay, in addition to other prescribed fees, a solid waste control fee of \$1.17 per ton of solid waste disposed of, processed or handled at such facility. For purposes of calculating the fee to be paid by an operator of a transfer or processing station, as defined in Public Resources Code section 40200(a) and (b), “solid waste” shall not include the amount of residual solid waste, following processing, that is disposed at a disposal facility located anywhere in the County of

Ventura, but shall include the amount of residual solid waste that is disposed at any disposal facility located outside of the County of Ventura.

- b. **Solid Waste Collector** – Except as otherwise provided herein, each solid waste collector, as defined in Ventura County Ordinance Code section 4701-8, shall pay a solid waste control fee in the amount of \$1.17 per ton of solid waste that such collector or its agent or subcontractor collects anywhere in the County of Ventura and transports outside of the County of Ventura for processing or disposal. For purposes of calculating the fee to be paid by a collector, “solid waste” shall not include waste that prior to such transport out of the County was processed by an operator of a transfer/processing station as defined above located in the County of Ventura. For purposes hereof, “solid waste” shall include all solid waste and recyclable material, whether or not separated or commingled upon receipt by the collector.
- c. **Surcharge** – All persons required to pay the solid waste control fee shall also pay an additional surcharge of \$.12 per ton for each ton of solid waste for which the solid waste control fee is owed by such person. Said surcharge shall be placed in trust for the purpose of providing independent legal counsel to the Local Enforcement Agency. The surcharge shall be collected until such time as the principal amount in the trust reaches \$60,000. At such time, collection of this surcharge shall be in abeyance. Thereafter, if the principal amount in the trust drops below \$60,000, the surcharge shall again be collected until the principal amount in the trust reaches \$60,000.
- d. **Exemption** – Payment of the solid waste control fee and surcharge shall not be required with respect to any month in which such operator or collector does not receive for processing or disposal or collection and transport, as the case may be, more than 100 tons of solid waste during the month.
- e. **Method of Payment and Calculation of Fee and Surcharge** – The solid waste control fee and surcharge shall be paid monthly by each operator and quarterly for each collector.

For purposes of computing the fee or surcharge, the operator or collector shall use the amount of all pertinent tons as weighed during its operations, provided however, that if the amount of tons cannot be determined, the fee and surcharge shall be computed on the following basis:

Wastes that are measured by volume shall be deemed to weigh an amount to be determined by a conversion factor of volume to weight on

a case-by-case basis, as determined by a representative sampling of such wastes and as approved by Director of the Environmental Health Division.

BE IT FURTHER RESOLVED AND DETERMINED by the Board that the fees herein comply with state law, including the aforementioned statutes. The fees charged do not exceed the estimated reasonable costs of the regulatory activity they support, and those costs are apportioned to individual payers in a manner that bears a fair or reasonable relationship to the payers' burdens on or benefits from the regulatory activity. The documentation and analysis supporting the amount of the fees are on file with the County agencies involved in the calculations and are incorporated herein by reference.

BE IT FURTHER RESOLVED, DETERMINED AND ORDERED by the Board that the resolution adopted June 9, 2020, is repealed effective July 1, 2021, this resolution is hereby adopted, and the fees herein shall become operative on July 1, 2021.

On motion of Supervisor _____, seconded by Supervisor _____, and duly carried, the foregoing resolution was passed and adopted on May 18, 2021.

Chair, Board of Supervisors

ATTEST:

MICHAEL POWERS
Clerk of the Board of Supervisors
County of Ventura, State of California

By _____
Deputy Clerk of the Board