



Board Agenda Item 37

DATE: February 28, 2017

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Amendment of Fresno County Ordinance Code Title 8 Health and Safety and
Amendment to the Fresno County Master Schedule of Fees

RECOMMENDED ACTION(S):

- 1. Conduct second hearing of and approve recommended Ordinance to amend the Fresno County Ordinance Code, Title 8 Health and Safety by adding Chapter 8.23 and 8.24 related to the establishment and implementation of a Reporting System for Recycling Haulers and a Non-Exclusive Waste Hauler Agreement program for haulers who collect solid waste amounting to ten (10) cubic yards or more and waive reading of the Ordinance in its entirety.**
- 2. Conduct second hearing and approve recommended Ordinance to amend the Fresno County Master Schedule of Fees, Charges and Recovered Costs, adding Subsection 2807 (a) related to a Recycling Haulers Registration Administration Fee and waive reading of the Ordinance in its entirety.**

On January 31, 2017, the Board of Supervisors (Board) conducted the first hearing and approved the proposed amendments Chapters 8.23 and 8.24 to the Fresno County Ordinance Code, Title 8, Health and Safety. Per the Board's direction, additional language was incorporated in Chapter 8.24 to address labelling of bins. The Board also conducted the first hearing to amend Board approved the proposed amendment to the Master Schedule of Fees, Charges and Recovered Costs adding Subsection 2807 (a) which relates to the administration, oversight, and reporting of a Registration System for Recycling Haulers (RSRH) (Chapter 8.23).

FISCAL IMPACT:

There are no Net County Costs associated with the recommended actions. Costs for administration and state-mandated reporting for the programs will be funded by fees paid by Recycling Haulers, and service fees paid by the hauler(s) who execute a Non Exclusive Waste Hauling Agreement (NEWHA). Staff anticipates that funding from these fees will be sufficient, however, staff will return to the Board if funding is determined to be insufficient.

DISCUSSION:

The recommended amendment to the Fresno County Ordinance Code is denoted in Exhibit A. It provides for the addition of Chapters 8.23 and 8.24 to Title 8 (Health and Safety) related to the establishment and implementation of RSRH and NEWHA reporting requirements,

The provisions of the ordinance code amendment were drafted to establish a process to document and quantify types of waste generated and collected, by means other than the current Exclusive Service Area Program

(ESAP) program, in order to meet State-mandated reporting requirements, as well as, to ensure consistency with the proposed Agreement between the County and all NEWHA providers.

The ESAP regulates haulers that provide solid waste collection services in containers with a volume of up to 10 cubic yards. This amendment addresses recycling haulers and haulers of containers in excess of 10 cubic yards and, together with Chapter 8.21, will enable the County to identify and quantify the various types of waste materials generated and recycled within the unincorporated areas of the County. The proposed amendment also provides for the levying of administrative fines, in accordance with Fresno County Ordinance Code Chapter 1.13 for non-compliance associated with registration, permit, and reporting requirements. The attached NEWHA template agreement (Exhibit B) provides the mechanism to implement the NEWHA program services.

The respective provisions of the Agreement and the ordinance code amendment are mutually inclusive and consistent. Any modification to the ordinance code amendment could alter the meaning of the material term of the Agreement. Accordingly, if the Board should choose to modify the proposed ordinance code amendment, any material inconsistency thereby created may impact the terms of the Agreement.

The recommended amendment to the Fresno County Master Schedule of Fees, Charges, and Recovered Costs (Exhibit C) would allow the County to recover costs associated with the administration of the RSRH program and the monitoring and reconciliation of reported data. Staff anticipates that approximately 20 or more recycling haulers will be required to register, pay the administration fee, and to submit and adhere to reporting requirements.

The amendment to the County's ordinance synchronizes with jurisdictional oversight of local contracts, Joint Powers Agreements, Memoranda of Understanding, and inter-jurisdictional and inter-county sharing of disposal data. It addresses regulatory requirements which include tracking, quantifying and reporting on waste streams collected, processed and transferred by recycling, composting, and landfill facilities, as well as, the tracking, quantifying, and reporting of materials collected in containers of ten yards or more. It also allows the County to address changes in the solid waste industry in terms of the type and quantity of wastes generated and disposed, and the emergence of new technologies related to the various waste streams, and development of specialized facilities and the evolution of specialized haulers.

REFERENCE MATERIAL:

BAI # 8, October 27, 2015
BAI # 6 November 15, 2016
BAI # 7 January 31, 2016

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Exhibit B
Exhibit C
Ordinance Summary

CAO ANALYST:

John Hays