IN THE BOARD OF SUPERVISORS  
County of San Luis Obispo, State of California

PRESENT:  Supervisors John Peschong, Dawn Ortiz-Legg, Debbie Arnold and  
Vice-Chairperson Bruce S. Gibson

ABSENT:  Supervisor Lynn Compton

RESOLUTION NO. 2021-263

RESOLUTION CONTINUING THE COLLECTION OF THE SOLID WASTE MANAGEMENT FEE FOR COUNTY RESIDENTS

The following resolution is now offered and read:

WHEREAS, on June 7, 1994, the San Luis Obispo County Board of Supervisors (“Board”) executed a Joint Powers Agreement to Establish an Integrated Waste Management Authority for the Cities and County of San Luis Obispo; and

WHEREAS, on September 12, 2007, the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority (“IWMA”) adopted a Solid Waste Management Fee to fund the reasonable and necessary costs incurred in the preparation, maintenance, and implementation of the Countywide Integrated Waste Management Plan mandated by Section 40000 et seq. of the Public Resources Code; and

WHEREAS, the Solid Waste Management Fee has been collected from within the solid waste jurisdiction of the County of San Luis Obispo (“County”) since the 2007-2008 fiscal year; and

WHEREAS, on September 14, 2021, the Board passed a resolution declaring its intent to withdraw from the IWMA, effective November 15, 2021; and

WHEREAS, the continued collection of the Solid Waste Management Fee from residents within the solid waste jurisdiction of the County is essential to fund the reasonable and necessary costs of the County to prepare, maintain, and implement the Countywide Integrated Waste Management Plan; and

WHEREAS, collection of the Solid Waste Management Fee does not constitute an increase in the fees paid by any resident of the County pursuant to Government Code sections 53750(h) or 66016(a).

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. Payment of Fees. Effective November 16, 2021, any company that has an agreement with the County to exclusively collect garbage within the solid waste jurisdiction of the County, or possesses a permit issued by the County of San Luis Obispo, Division of Environmental Health pursuant to County Code Chapter 8.12.501, shall be liable for the payment of the applicable Solid Waste Management Fee.
The Solid Waste Management Fee shall become due and payable on the 15th day of each month for the solid waste disposed of during the preceding month. Fees shall be deemed delinquent 30 days after they are due and payable and shall be subject to the late-payment provisions set forth herein.

Fees shall be made payable to the County and transmitted to the Department of Public Works, County Government Center, Room 206, San Luis Obispo, CA 93408, or at such address as the County may designate. Payment of fees shall be accompanied by 1) a statement from the company specifying the gross revenue collected during the preceding month; and 2) a form to be provided by the County to each hauler which includes the certification.

No acceptance of any payment shall be construed as an accord that the amount is in fact the correct amount, nor shall acceptance of payment be construed as a release of any claim the County may have for further or additional sums payable under the provisions of this Resolution.

All amounts shall be subject to audit, which if adverse to hauler with respect to any underpayment, shall be charged to hauler in addition to any interest owed as a late fee or interest as a delinquent payment.

2. Calculation of Solid Waste Management Fee. For companies with an agreement with the County for the collection of solid waste, recyclables or greenwaste, the Solid Waste Management Fee shall be calculated as followed: (1) the solid waste management fee shall be 2% of the gross revenue collected from commercial customers within the solid waste jurisdiction of the County and (2) the solid waste management fee shall be $0.30 per month per residential account within the solid waste jurisdiction of the County for those residential accounts which are charged less than $50 per month. For residential accounts within the solid waste jurisdiction of the County that pay more than $50 per month the Solid Waste Management Fee shall be 2% of the gross revenue collected. The gross revenue collection amount which is used to determine the amount of franchise fee required to be paid under the franchise agreement shall also be used to determine the Solid Waste Management Fee.

Any company that possesses a permit issued by the County of San Luis Obispo, Division of Environmental Health pursuant to County Code Chapter 8.12.501 and does not pay a fee for customers under the above paragraph, shall pay a Solid Waste Management Fee that is 2% of the gross revenue collected from its customers which are located within the solid waste jurisdiction of the County. Gross revenue shall include, but not be limited to, the cost charged to customers for items such as delivery, roll-off box rental, hauling service and disposal/recycling of the removed material.

3. Record Retention and Access to Records. Each company shall maintain records, information, and documentation that substantiate the gross revenue collected during each calendar month. The records, information, and documentation shall include the procedures the company used to determine and measure the gross revenue collection and number of residential accounts. The company shall maintain such records, information, and documentation for a period of three years from the date such revenue was collected. Upon receipt of a minimum of three business days'
written notice from the County, a company shall provide the County with access for inspection and copying of all records, information, or documentation.

4. **Delinquent Solid Waste Management Fees.** In the event that any payment is not received within thirty (30) days after it is due, the hauler shall pay interest on the outstanding balance at the rate of one and one-half percent (1.5%) per month from the date of owner’s failure to pay.

Upon motion of Supervisor **Arnold**, seconded by Supervisor **Ortiz-Legg**, and on the following roll call vote, to-wit:

**AYES:** Supervisors Arnold, Ortiz-Legg, Peschong and Vice-Chairperson Gibson

**NOES:** None

**ABSENT:** Supervisor Compton

**ABSTAINING:** None

the foregoing resolution is hereby adopted on the _16th_ day of _November_, 2021.

Bruce S. Gibson  
Vice-Chairperson of the Board of Supervisors

**ATTEST:**

WADE HORTON  
Ex-Officio Clerk of the Board of Supervisors

By:  
Deputy Clerk  

[SEAL]

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

RITA L. NEAL  
County Counsel

By: /s/ Daniel P. Solish  
Deputy County Counsel

Dated: November 9, 2021