

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Environmental Resources

BOARD AGENDA # *B-5

Urgent

Routine

AGENDA DATE January 8, 2008

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance to Eliminate Requiring Department of Environmental Resources Approval for Reduced Service in the Exempt Collection Service Area

STAFF RECOMMENDATIONS:

1. Introduce and waive the first reading of an Ordinance to amend the language of the Stanislaus County Code, Chapters 9.04 and 9.08, Sections 9.04.080 and 9.08.140, to eliminate requiring Department of Environmental Resources approval for reduced service in the exempt collection service area.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended amendment to the Stanislaus County Code.

BOARD ACTION AS FOLLOWS:

No. 2008-009

On motion of Supervisor Grover, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini, and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1024

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-F-3

Approval to Introduce and Waive the First Reading of an Ordinance to Eliminate
Requiring Department of Environmental Resources Approval for Reduced Service in the
Exempt Collection Service Area.

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Discussion:

Historically, Stanislaus County Ordinance Code Sections have required staff from the Department of Environmental Resources (Department) to approve applications for reduced garbage service that is offered at a lesser charge. This is done to ensure that an appropriate level of removal service is maintained for health and safety reasons.

Since the inception of mandatory collection service in 1989, exempt collection service areas, where subscription to weekly collection service is optional, were defined as all unincorporated areas with the General Plan land use designation of Agriculture. The Department reasons that if service is optional, that it is inconsistent with this allowance for staff to continue to approve applications for reduced service in this same area. Therefore, included with this report are proposed amendments to Chapters 9.04 and 9.08, Sections 9.04.080 and 9.08.140, that reflect this change (Attachment "A").

Applications for reduced garbage service are typically received from small households (1-2 occupants) and the elderly, and the Department processes 40-50 applications per year countywide with some of these coming from areas designated as Agriculture. The franchise refuse collectors will be apprised of this change and this information will be posted on the Department's website as well.

Policy Issue:

The Board of Supervisors should determine if these amendments support the Board's priority of efficient delivery of public services.

Staffing Impact:

There is no staffing impact associated with this action.

AN ORDINANCE RELATING TO REDUCED WASTE COLLECTION SERVICE

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Subsection A of Section 9.04.080 of the Stanislaus County Code is amended to read as follows:

A. All premises shall have sufficient carts or equivalent bin capacity to hold all refuse created, produced or accumulated on the premises between required removals. In determining the sufficiency of the number of containers required, the following minimum standards shall apply:

1. One and two-family dwelling units, one ninety gallon cart, per dwelling unit, or other minimum service as approved by the department (under Section 9.08.140);
2. Multiple dwelling buildings, one sixty gallon cart per dwelling unit, unless a lesser number is approved by the department;
3. Motels, hotels and trailer or mobile home parks, one sixty gallon cart per unit or space, unless a lesser number is authorized by the department;
4. Businesses, not less than one sixty gallon cart;
5. Reduced service arrangements as may be authorized by the department pursuant to Section 9.08.140.

Section 2. Section 9.08.140 of the Stanislaus County Code is amended to read as follows:

Charges to residential and commercial customers of a franchise holder for refuse removal service shall be determined by the board. The charges may be revised by the board from time to time after a public hearing hereon and a determination by the board that a change is in the public interest.

The department may authorize a customer in the mandatory collection service area to receive reduced service for a reduced charge; in the exempt collection service area, a customer may request reduced service for a reduced charge from the franchise holder without department

approval. A reduced charge of the basic charge shall entitle a customer to once a week removal of the contents of one sixty-gallon cart. The department may approve an agreement between the customer and the refuse collector to provide additional service for an additional charge.

Section 3. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2007, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

William O'Brien, Chair of the Board of
Supervisors of the County of Stanislaus,
State of California

ATTEST:
CHRISTINE FERRARO TALLMAN
CLERK OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

By _____
Deputy

APPROVED AS TO FORM:
MICHAEL H. KRAUSNICK
COUNTY COUNSEL

By 
John P. Doering
Assistant County Counsel