

cc: PA
PW
Celt } 11-20-13

**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

An Ordinance to Establish Revised Fees for) Ordinance No. 06-1125-13
The Public Works Solid Waste Division, and)
To Adopt Amendments to the Jefferson)
County Code)

WHEREAS, Ordinance No. 06-0726-93 was adopted in 1993 to establish per ton and per unit base fees for the Solid Waste Division (Solid Waste) of the Public Works Department, Jefferson County (County); and

WHEREAS, Ordinance 12-1209-96 was adopted that, in part (Section 2), amended the solid waste tax of Ordinance 06-93; and

WHEREAS, Ordinance 03-0405-04 was adopted to establish fees for the Solid Waste Moderate Risk Waste Facility; and

WHEREAS, Ordinance 09-0922-08 was adopted to amend the Jefferson County Code (JCC) section III-020 to add a fee for yard debris delivered to the City of Port Townsend (City) Biosolids Composting Facility, which fee is collected and managed on behalf of the City by the County at the Jefferson County Transfer Station scale-house; and

WHEREAS, solid waste base fees have not been increased since their adoption in 1993; and

WHEREAS, increased quantity of material disposed through 2006 and operational efficiencies allowed the imposition of higher fees to be postponed; and

WHEREAS, solid waste tonnage fell by 17 percent from 2006 to 2011 and has remained at that level, and the consequent reduction in revenue combined with rising costs have required Solid Waste Funds reserves to be drawn down in order to balance annual budgets; and

WHEREAS, the Solid Waste Funds balances are now reduced to minimum levels consistent with prudent fiscal guidelines and can no longer be used to balance annual budgets; and

WHEREAS, the solid waste community is predicting a slow recovery in the economy with consequent low growth in tonnage disposed, and that revenue growth is therefore likely to lag cost inflation; and

WHEREAS, Solid Waste staff (Staff) has completed an analysis of solid waste operations, projected costs and fees; and

WHEREAS, Staff presented the findings of that analysis to Port of Port Townsend and County Public Health staff on May 7, 2013; to City staff on May 9, 2013; to the County Solid Waste Advisory Committee (SWAC) on May 23 and June 27, 2013, and to the County Administrator on July 23, 2013 ; and

WHEREAS, Staff reviewed the findings of that analysis with the Board of County Commissioners (Board) at a briefing on September 16, 2013 that was open to the public; and

WHEREAS, Staff presented the findings of that analysis, recommendations for higher waste disposal fees, and a Draft Ordinance to enact proposed higher fees to the Board during a regularly scheduled and duly noticed Commissioners meeting on Monday, October 21, 2013 and requested a Public Hearing on the proposed fees; and

WHEREAS, the Final Ordinance to enact higher fees was presented to the Board for approval and signature at a Public Hearing on November 12, 2013 and that Public Hearing was duly-noticed and open to the public; and

WHEREAS, The Department of Public Works has now proposed changes to the Jefferson County Code (JCC) to implement new fee schedules for solid waste collected and managed at the Jefferson County Transfer Station, at the Quilcene Drop Box Site, and at the Moderate Risk Waste Facility, codified at Appendix FEE SCHEDULES, Section III of the JCC; and

WHEREAS, No changes are proposed to the fees charged for yard debris delivered to the City Biosolids Composting Facility,

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Jefferson County as follows:

SECTION 1. Fee Schedules: The current version of the Jefferson County Code (JCC), Appendix FEE SCHEDULES Section III, is hereby repealed and replaced with the attached version of the JCC, Appendix FEE SCHEDULES, Section III, marked here as Exhibit A.

SECTION 2. Fee Indexing: The portion of the JCC entitled "Appendix ANNUAL FEE INDEXING" is HEREBY AMENDED to read as follows:

Unless otherwise specified in JCC, Appendix, FEE SCHEDULES, Section III, fixed amount fees established by this appendix shall be adjusted annually on the first business day of January ("adjustment date") by the amount of the increase in the Consumer Price Index (CPIW). The CPIW is the Consumer Price Index – U.S. City Average for All Urban Wage Earners and Clerical Workers, published by the Bureau of Labor Statistics for the United States Department of Labor.

The annual fee adjustment shall be calculated as follows: Each fee in effect immediately prior to the adjustment date will be increased by the percentage increase in the CPIW between the CPIW reported for the month of September preceding the adjustment date and the CPIW reported for the month of September one year earlier. Increases will be rounded to the nearest dollar. A fee shall not be reduced by reason of such calculation. However, fee increases in accordance with this calculation shall not exceed five percent (5%) per year.

Copies of the adjusted fee schedule shall be available to the public at the office of the designated department and will be mailed to any customer upon request. The adjusted fee schedule will show the prior year fees, the CPIW, and the new fee.

SECTION 3. Repeal: The establishment of revised fee schedules by this Ordinance repeals Ordinance No. 06-0726-93 and Ordinance No. 03-0405-04 in their entireties.

SECTION 4. Severability: If any section, subsection, clause, phrase or figure of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application to other persons or circumstances shall not be affected.

SECTION 5. Effective Date: This Ordinance shall take effect sixty (60) days after adoption by the Board of County Commissioners and publication.

APPROVED AND ADOPTED THIS 25th DAY OF November, 2013.

BOARD OF COUNTY COMMISSIONERS



John Austin

John Austin, Chair

Phil Johnson

Phil Johnson, Member

David W. Sullivan

David W. Sullivan, Member

ATTEST:

Approved as to Form:

Carolyn Avery
CAROLYN AVERY Deputy Clerk of the Board

David Alvarez 11/15/2013
David Alvarez Date
Deputy Prosecuting Attorney

Exhibit A

Jefferson County Code

Appendix FEE SCHEDULES [Ord. 13-12]

III. Public Works Department – Solid Waste Division

III-010 Purpose – Scope.

The purpose of this section is to establish a fee schedule for the solid waste division of the Jefferson County department of public works. This schedule shall apply to all fees required by the solid waste division.

III-011 Effective Date

The fees listed in Sections III-020 through III-050 shall go into effect on the first business day in January 2014 (or sixty days after the enacting Ordinance is adopted and published, if later). Fees will be adjusted annually through 2019 as provided for in Section III-012 of this schedule.

III-012 Fee Indexing

The base (pre-tax) solid waste disposal fees established by this Appendix Part III for Public Works Solid Waste Division with the exception of the minimum charge (III-020(4)), environmental fee (III-020(3)) and yard debris fee (III-020(6)) shall be adjusted on the first business day of 2015 and annually thereafter for a period of five (5) years, by a percentage increase of 2.5%. The WA State solid waste collection tax of 3.6% shall be added to the adjusted base fees where applicable.

The percentage increase of 2.5% is calculated to maintain minimum specified reserved balances in the solid waste funds, measured by the following benchmarks:

- A reserved Capital Fund balance at year-end, projected in September of that year, of 12% of then current capital replacement value in equipment and buildings, excluding any GO bond funds, and
- A reserved Operations Fund balance at year-end, projected in September of that year, of 15% of the annual total solid waste expenditures, and
- An increase in the annual waste tons received of no less than 1% per year with 2013 as a base year.

An increase over the annual percentage rate fee increase of 2.5% that is necessary for the Fund reserved balances to meet the stated benchmarks shall be subject to review, approval and adoption by Resolution of the Board of County Commissioners.

Copies of the fee schedule shall be available to the public at the Public Works office and will be mailed to any customer upon request. The adjusted fee schedule will show the prior year fees, the annual percentage increase, and the new fees.

III-020 Solid Waste Disposal - Transfer Station Commercial and Noncommercial Rates.

The solid waste collection tax, where applicable, will be added to the base fees as shown below:

	<u>2014</u>	<u>2014</u>
	<u>Base (pre-tax) fee</u>	<u>Fee with tax</u>
(1) Solid waste disposal rate	\$139.00 / ton	\$144.00 / ton
(2) Asbestos disposal rate	Not accepted	Not accepted
(3) Refrigerators	\$139 / ton + \$20 environmental fee	\$144 / ton + \$20 environmental fee
(4) Minimum charge (flat fee)	\$9.65	\$10.00
(5) Non-disposal weight charge	\$5.00	not taxed
(6) Yard debris		
Loads 200 pounds or less	\$5.00	not taxed
Loads more than 200 pounds	\$48.00/ton	not taxed

Yard debris shall only include grass clippings, leaves, tree branches not over eight to 10 inches in diameter and less than eight feet long, and other plant material, but excluding stumps, kitchen scraps, food waste, dimensional lumber, rocks, gravel, dirt, lawn furniture, tools, or other non-vegetative material. Acceptable yard debris shall be dropped off at a point designated by the City of Port Townsend staff.

In the event the weight scales are inoperative, the rates for the solid waste disposal drop box site listed in Section III-030 shall apply to loose waste and other items; commercial compacted waste shall be charged based on average load weights for each route, determined for the immediately preceding calendar month, and by mutual agreement with the commercial haulers.

III-030 Solid Waste Disposal Drop Box Site (Quilcene).

The solid waste collection tax, where applicable, will be added to the base fees shown below:

	<u>2014</u>	<u>2014</u>
	<u>Base (pre-tax) fee</u>	<u>Fee with tax</u>
(1) One 32-gallon container	\$5.79	\$6.00
(2) Loose garbage:		
(a) Load up to one cubic yard	\$30.89	\$32.00
(b) Each additional 1/2 cubic yard	\$15.44	\$16.00

(3) One 55-gallon container	\$10.62	\$11.00
(4) Automobile tires	\$5.79	\$6.00
(5) Truck tires	\$6.75	\$7.00
(6) Off-road tires (loaders, skidders)	\$15.44	\$16.00
(7) Large items (do not fit in compactor)	\$15.44	\$16.00
(8) White goods	\$15.44	\$16.00
(9) Refrigerators	\$28.96	\$30.00

III-040 Hours of Operation.

The Solid waste disposal transfer station, Drop box site, Moderate risk waste facility and Recycle center hours of operation shall be set by the Director of Public Works with approval by the Board of County Commissioners.

III-050 Moderate Risk Waste Disposal Facility.


Tax, where applicable, will be added to the base fees shown below:

- (1) This base fee schedule shall apply to the processing and disposal of moderate risk waste materials brought to the facility by businesses classified as conditionally exempt small quantity generators (CESQGs) in 40 CFR 261.5.
- (2) The base fees include all labor and materials, facility overhead, and shipping and final disposal costs.
- (3) A minimum charge, at the rate shown, will be made when the calculated total fee per customer visit is less than that minimum amount.
- (4) Charges for CESQG waste material types not listed will be charged at a rate determined from the sum of the waste disposal fee (shipping and disposal charge) obtained from the county's disposal contractor plus a processing charge at the hourly rate shown in the table below.
- (5) No fee shall be charged for household hazardous waste obtained from the general public.

Base Fees for Conditionally Exempt Small Quantity Generators		
Waste Type and Packing	Cost per unit	Unit
Bulked Waste		
Solvents	\$1.37	lb
Oil base paint and paint-related	\$1.41	lb
Flammable liquids - other	\$1.41	lb
Flammable liquids - aerosol paint cans	\$0.76	each
Contaminated oil (halogens, solvents)	\$1.83	lb
Contaminated bilge water & Non-regulated water	\$1.47	lb
Fuels - Gas	\$1.38	lb
Fuels - Diesel	\$1.31	lb
Antifreeze	\$1.27	lb
Loosepacked Waste		
Oil base paint and paint-related	\$1.93	lb
Flammable liquids - other	\$1.93	lb
Adhesives, resins, tars	\$1.93	lb
Flammable solid (emergency services)	\$3.36	lb
Oil/gas/diesel soaked rags	\$3.36	lb
Other flammable solid	\$8.14	lb
Non-regulated liquid/solid	\$1.73	lb
Aerosol poisons, corrosives, cleaners	\$1.90	each
Aerosol paints (over/under size cans)	\$1.90	each
Nonflammable gas	\$8.45	lb
PCB ballast < 9 lb	\$1.62	lb
PCB ballast > 9 lb	\$2.86	lb
Batteries - drycell (Ni-MH, Ni-cad rechargeable)	\$1.75	lb
Batteries - wet lead/acid	\$0.91	lb
Fluorescent light - tubes (2 to 8 feet)	\$0.26	foot
Fluorescent light - compacts and small tubes	\$0.93	each
Cellular phones/chargers	\$1.75	lb
Labpacked Waste		
Corrosive acid	\$2.25	lb
Corrosive alkaline	\$2.25	lb
Organic peroxide	\$15.39	lb
Oxidizing liquid/solid	\$2.56	lb
Flammable toxics	\$2.64	lb
Toxic liquid/solid (pesticide, herbicide, poison)	\$2.64	lb
Spontaneous combustible	\$14.59	lb
Dangerous when wet	\$14.97	lb
Mercury and mercury containing devices	\$9.02	lb
Minimum charge per transaction	\$22.00	each
All non-listed waste - Processing fee - plus Contractor's shipping and disposal cost	\$44.00	hour
	+Quoted unit price	

Jefferson County
Board of Commissioners
Agenda Request

To: Board of Commissioners
Philip Morley, County Administrator

From: Monte Reinders, P.E. 
Public Works Director/County Engineer

Agenda Date: November 25, 2013

Subject: Final Solid Waste Division Fee Ordinance - Revisions to Public Works Solid Waste Division Fee Schedules and Amendments to the Jefferson County Code

Statement of Issue:

A Public Hearing was held by the Board of Commissioners at 11:00 am on Tuesday, November 12, 2013 during which public testimony concerning the proposed Solid Waste Division Fee Ordinance was taken and considered by the Board. Following questions and discussion, the Board directed staff to change the fee ordinance to *exclude the transfer station minimum charge for 2014 from the 2.5% annual fee increases proposed for years 2015 through 2019*, the purpose to mitigate the fee increase and to simplify cash handling at the scales.

The Board also moved and approved that staff reschedule the revised Fee Ordinance on a future Consent Agenda.

Analysis/Strategic Goals/Pro's & Con's:

The Solid Waste Enterprise Fund is managed as a business to provide municipal and hazardous waste disposal, recycling services and associated services to County and City of Port Townsend residents. This function is mandated by RCW 36.58 Solid Waste Disposal and RCW 70.95(A-N) Solid Waste Management, Reduction and Recycling. Public Works currently provides a level of service that implements the regulatory requirements, supported by the Jefferson County Solid Waste Management Plan, and is available to all citizens of Jefferson County.

Fiscal Impact/Cost Benefit Analysis:

The Solid Waste Disposal Fees that were enacted in 1993 and 2004 are no longer sufficient to cover the costs of providing the defined level of service. Solid Waste Fund reserves have been reduced to minimum fiscally responsible levels. The proposed fee schedules for 2014 will enable revenues to pay for anticipated operating costs and continue current services. An annual percentage increase in specified fees through 2019 is proposed to keep pace with projected cost inflation and will also contribute to essential capital facilities refurbishing and replacement. Benchmarks are proposed to allow actual and projected Fund performance to be monitored.


Recommendation:

Public Works requests the Board to review the changes made to the proposed Ordinance following the Board's direction, and to enact the proposed Ordinance and fee schedules as presented.

Department Contact: Richard Talbot. 385-9213

Reviewed By:


Philip Morley, County Administrator


Date

ORDINANCE REVIEW FORM

CONTRACT WITH: Solid Waste Division Fee Schedules and Amendments to the Jefferson County Code

CONTRACT FOR: Final Solid Waste Fee Ordinance **TERM:** 2014-2019

COUNTY DEPARTMENT:	<u>Public Works</u>
For More Information Contact:	<u>Richard Talbot</u>
Contact Phone #:	<u>(360) 385-9213</u>
RETURN TO:	<u>Gail</u>
(Person in Department)	
RETURN BY:	<u>November 18, 2013</u>
	(Date)

AMOUNT: n/a

Revenue: _____

Expenditure: _____

Matching Funds Required: _____

Sources(s) of Matching Funds: _____

- PROCESS:**
- Exempt from Bid Process
 - Consultant Selection Process
 - Cooperative Purchase
 - Competitive Sealed Bid
 - Small Works Roster
 - Vendor List Bid
 - RFP or RFQ
 - Other

Step 1: REVIEW BY RISK MANAGEMENT	
Review by:	<u>Philip Morley</u>
Date Reviewed:	<u>11/20/13</u>
<input checked="" type="checkbox"/> APPROVED FORM	<input type="checkbox"/> Returned for revision (See Comments)
Comments _____	

Step 2: REVIEW BY PROSECUTING ATTORNEY	
Review by:	<u>David Alvarez</u>
Date Reviewed:	<u>11/15/2013</u>
<input checked="" type="checkbox"/> APPROVED AS TO FORM	<input type="checkbox"/> Returned for revision (See Comments)
Comments _____	

Step 3: (If required) DEPARTMENT MAKES REVISIONS AND RESUBMITS TO RISK MANAGEMENT AND PROSECUTING ATTORNEY

Step 4: CONTRACTOR/CONSULTANT SIGNS APPROPRIATE NUMBER OF ORIGINALS

Step 5: SUBMIT TO BOCC FOR APPROVAL
 Submit originals and 7copies of Contract, Review Form, and Agenda Bill to BOCC Office.
 Place "Sign Here" markers on all places the BOCC needs to sign.
 MUST be in BOCC Office by 4:30 p.m. TUESDAY for the following Monday's agenda.
 (This form is to stay with the contract throughout the contract review process and accompany the Agenda Bill.)