

Recommended Revisions to Solid Waste Ordinance 94-12

1. This ordinance should apply to any contractor selected by the Torrance County Commission to collect solid waste in Torrance County. I therefore suggest the wording particular to EVSWA be eliminated or changed to "any contractor selected by Torrance County to collect, transport, recycle, or dispose of solid waste in the unincorporated areas of Torrance County." This would involve eliminating paragraph 2 on page 1, and replacing the Estancia Valley Solid Waste Authority by "any contractor selected by Torrance County to collect, transport, recycle, or dispose of solid waste in the unincorporated areas of Torrance County" in E. of Section 15.
2. Near the end of page 1, replace Solid Waste Management Fee by "Solid Waste Disposal Fee" consistent with the top of the page. Several changes are suggested under Section 13, now called the "Solid Waste Disposal Fee." Under A, the County imposed solid waste disposal fee shall not be collected from residences served by alternate disposal, such as private haulers. The point is that trash should be regularly collected at every occupied residence. Residences already compliant with the solid waste ordinance using private haulers should not be double billed. A. under Section 13 should read: "Payment of a solid waste disposal fee should be the obligation of the responsible party for each occupied residence located in the unincorporated area of Torrance County. The fee may be collected by the contractor providing the disposal service." Under B, the first sentence should refer to a solid waste disposal fee, rather than management fee. The second sentence in B. obligating the County for uncollected fees or discounts should be eliminated or made the responsibility of the disposal contractor. Under old E, I recommend that the 50% reduction for low income folks be retained. The only changes needed here are replacing "Solid Waste Authority" or "Authority" by "the solid waste disposal contractor," and solid waste management fee by solid waste disposal fee. Old Section G. for vacant residences should be eliminated. No waste disposal is needed for vacant residences and therefore no fee should be charged.

3. Under Section 14, Liens: This provision is not being followed now. The liens are initiated and enforced by the EVSWA, not the County, as stated. I recommend that the County Clerk verify the basis for any lien placed and that this verbiage be inserted in paragraph B. Specifically, the second sentence of B. should read "For purposes of this section, such actions shall be taken by the County Clerk after verification of the basis for the lien." Under C, I recommend that "costs of enforcement, including attorney's fees" be eliminated and replaced by "and costs incurred in filing the lien."
4. Any resolution establishing fees should also refer to the "solid waste disposal fee" that reflects the true cost of collection and disposal of waste from occupied residences in the unincorporated areas of the County not served by other acceptable solid waste disposal contractors.

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