



May 20, 2021

Board of Directors  
Ventura Regional Sanitation District  
Ventura, California

## **CONSIDER, APPROVE, AND ADOPT VRSD ORDINANCE NO. VRSD-116 – FEES AND CHARGES FOR THE TOLAND ROAD LANDFILL**

### **RECOMMENDATIONS**

- A. Conduct a public hearing regarding the proposed fees and charges for Fees and Charges for the Toland Road Landfill, Ordinance No. VRSD-116:
- 1) Call to order.
  - 2) Receive staff report and recommendations.
  - 3) Report of written communications received by Clerk of the Board.
  - 4) Public comment.
  - 5) Close public hearing.
  - 6) Discussion by Board of Directors.
- B. Conduct the second reading, by title only, of Ordinance No. VRSD-116, Regulating Fees and Charges for the Toland Road Landfill;
- C. Adopt Ordinance No. VRSD-116 for Fees and Charges for the Toland Road Landfill to become effective July 1, 2021.

### **FISCAL IMPACT**

The proposed changes in fees and charges are expected to generate additional revenue of approximately \$19,000 annually, which is necessary to cover the cost of providing the services being performed.

### **BACKGROUND/ANALYSIS**

The Board conducted the first reading of Ordinance No. VRSD-116 on May 6, 2021. At that same meeting, the Board approved scheduling a public hearing for the May 20, 2021 Regular Meeting to conduct the second reading and consider adoption. If adopted, Ordinance No. VRSD-116 will establish fees and charges for the Toland Road Landfill effective on July 1, 2021, and will repeal the existing Ordinance No. VRSD-110 on VRSD fees and charges.

Since July 2010, when these fees were last adjusted, through February 2021, there has been a 24.5% inflationary increase in the cost of living according to the latest Consumer Price Indices for all urban consumers in the Los Angeles region. Additionally, from FY 2010 to FY 2020, the District's solid waste operating costs have increased by \$1,844,000 or 25%. In general, the proposed rates are in-line with inflationary costs.

While the most revenues generated by the Toland Road Landfill operations are from contract-based fees or consideration, approximately 2.9% of the District's historical solid waste revenues are generated from service to landfill customers without contracts with VRSD. The proposed fee schedule would apply to all landfill customers that do not have a direct trash disposal contract with VRSD.

Additionally, Ordinance 116 includes language that will adjust rates annually for inflationary growth based on the Consumer Price Index for All Urban Consumers within the Los Angeles-Long Beach-Anaheim region in the prior calendar year.

This letter and the corresponding attachments have been reviewed by Legal Counsel as to form.

) 658-4646 or via email at [tinarivera@vrsd.com](mailto:tinarivera@vrsd.com).



ALVERTINA RIVERA, DIRECTOR OF FINANCE

APPROVED FOR AGENDA:



Chris Theisen, General Manager

Attachments:

Attachment 1: VRSD Ordinance No. 116

**VENTURA REGIONAL SANITATION DISTRICT  
ORDINANCE NO. VRSD-116**

**AN ORDINANCE OF THE BOARD OF DIRECTORS  
OF THE VENTURA REGIONAL SANITATION DISTRICT  
PRESCRIBING FEES AND CHARGES  
FOR THE TOLAND ROAD LANDFILL**

**WHEREAS**, Ventura Regional Sanitation District (“VRSD”) is a county sanitation district created pursuant to California Health & Safety Code §4700 et seq.; and

**WHEREAS**, VRSD is authorized to provide public services related to the acquisition, construction, replacement, maintenance and operation of disposal systems and facilities; and

**WHEREAS**, VRSD operates a solid waste disposal facility known as Toland Road Landfill (“Landfill”) located at 3500 North Toland Road in the unincorporated area of the County of Ventura; and

**WHEREAS**, California Health & Safety Code Sections 4741.7 and 5471 provide that VRSD may prescribe and collect fees in connection with its refuse disposal systems and facilities pursuant to an ordinance adopted by a two-thirds vote of the governing body; and

**WHEREAS**, VRSD periodically evaluates VRSD’s refuse disposal systems and facilities which includes an evaluation of 1) current users, demands and capacity, 2) regulatory requirements, 3) costs of the existing and future operations and facilities, and 4) alternative methodologies for establishing fair and equitable charges. The planning, engineering, and financial studies associated with these evaluations are utilized during the development of VRSD’s Fiscal Year Final Budget, which is adopted by the Board of Directors annually; and

**WHEREAS**, VRSD’s periodic adjustment of refuse disposal fees ensures adequate revenues to finance the improvements and programs necessary to implement the mandated disposal regulations, maintain and improve facilities, and retire any debt incurred to finance such improvements in a reasonable manner; and

**WHEREAS**, VRSD maintains budgets, operations plans, capital improvement programs, reserve studies and financial and engineering reports (collectively referred to as the “Landfill Record”) which have been made available to the public, both prior to and subsequent to their public review, at noticed public meetings; and

**WHEREAS**, the financial requirements of VRSD, as shown in the Landfill Record, including VRSD’s most recently approved Budget, are based on current, reliable information and data relating to use projections, regulatory requirements, total system and facility operation, construction, maintenance and replacement costs, general administrative costs, including legal, accounting and other professional service costs, and capital costs; and

**WHEREAS**, the revenues derived under the provisions of this Ordinance will be used by VRSD for the construction, reconstruction, maintenance and operation of VRSD

disposal system facilities, repayments of principal and interest on debt instruments issued for the construction and reconstruction of VRSD facilities, recovery of costs associated with general administrative costs, and provision of necessary reserves; and

**WHEREAS**, the fees for disposal of refuse and related services at Toland Road Landfill set forth in this Ordinance do not exceed the cost of providing the disposal systems and facilities and related services for which the fees are imposed; and

**WHEREAS**, the VRSD Board of Directors finds the foregoing fees and charges are for the purpose of: 1) meeting operating expenses, including employee wage rates and fringe benefits; 2) purchasing or leasing supplies, equipment, or materials; 3) meeting financial reserve needs and requirements; or 4) obtaining capital funding for solid waste facilities (including development, closure and post closure projects) necessary to maintain service within existing service areas. Accordingly, the adoption of this Ordinance is statutorily exempt under the California Environmental Quality Act pursuant to the provisions of Public Resources Code Section 21080(b)(8) and California Code of Regulations Section 15273(a); and

**WHEREAS**, the fees and charges established by this Ordinance have been approved by the VRSD’s Board of Directors at a noticed public meeting in accordance with all legal notice requirements.

**NOW, THEREFORE**, the Ventura Regional Sanitation District Board of Directors ordains as follows:

**Section 1. Short Title.** This Ordinance shall be known as the “Toland Road Landfill Fees & Charges Ordinance” and may be cited as such.

**Section 2. Purpose.** The purpose of this Ordinance is to establish fees and charges for the Toland Road Landfill.

**Section 3. Fees and Charges.** The following fees and charges are hereby prescribed for the Toland Road Landfill:

<b>DISPOSAL FEE CATEGORY</b>	<b>Fee/Ton</b>	<b>Minimum Fee</b>
Refuse <sup>1</sup>	\$40.39	\$35.00 per vehicle
Hard-to-handle <sup>2</sup>	\$120.00	\$120 per vehicle

<sup>1</sup> “Refuse” is solid waste material legally permitted for disposal at the Landfill.

<sup>2</sup> Hard to handle fees apply to materials requiring special handling as determined by the Solid Waste Site Superintendent including difficult to handle items, biohazards (red bags, etc.), materials with potential health risks (non-friable asbestos, etc.), and materials with a highly offensive odor. Final determination of whether the fee applies is at the discretion of the Site Superintendent. The following are determined to be hard to handle materials:

- Concrete blocks larger than 2 feet in diameter
- Tree stumps greater than 2 feet in diameter
- Trees greater than 1 foot in diameter and 8 feet long
- Power/telephone poles greater than 8 feet long
- Asbestos pipe
- Wire, rope and fence netting
- Agricultural plastic film and tape
- Irrigation tubing

**ADDITIONAL FEES AND SURCHARGES (IN ADDITION TO DISPOSAL FEES)**

Freon extraction .....	\$45.00 each
Special pull-offs .....	\$35.00 each
Tires: Outside diameter	
Less than 36 inches .....	\$130.00/ton; \$7.00 each
36 inches to 60 inches .....	\$35.00 each
Over 60 inches .....	\$220.00 each
Beneficial Reuse (when not needed for landfill operations) at Refuse Rate	

**Section 4. Inflationary Rate Adjustment.** Beginning July 1, 2022 and annually thereafter on July 1 of each year, the fees and charges in Section 3 will be adjusted for inflationary growth. The adjustment will be based on the increase in Consumer Price Index for All Urban Consumers within the Los Angeles-Long Beach-Anaheim region in the prior calendar year.

**Section 5. Transportation Restriction.** Waste transported to the Landfill shall be carried by transfer trucks routed from transfer/materials recovery facilities pursuant to contracts with VRSD, except for waste generated in the cities of Santa Paula and Fillmore and the unincorporated areas of Santa Clara River Valley. All refuse haulers shall comply with the traffic control instructions adopted by VRSD’s current conditional use permit.

**Section 6. Accounts.** All commercial refuse customers shall establish VRSD Disposal Accounts and shall comply with all conditions and requirements of VRSD’s Disposal Account Agreement.

**Section 7. Hours of Operation.** Normal Landfill hours of operation for the general public and hours of operation for commercial accounts shall be established by Resolution of the Board of Directors.

**Section 8. Effective Date.** This Ordinance shall become effective July 1, 2021.

**Section 9. Repeal.** Ordinance No. VRSD-110 is hereby repealed as of the effective date specified in Section 8 above.

**Section 10. Severability.** If any term, condition, or provision of this Ordinance is found by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated thereby.

**Section 11. Administrative Record.** All of the above Recitals are true and are hereby incorporated by reference herein. Each and all of the findings and determinations contained herein are based on the competent and the substantial evidence, both oral and written, contained in the entire Administrative Record relating to the proposed Project, which includes, but is not limited to: (a) the Landfill Record described in the Recitals above and all technical reports and other documentation referenced in the Landfill Record, (b) the taped transcripts of the presentations to the VRSD Board regarding this Ordinance, Landfill fees and the VRSD Budget and all documents submitted therewith,

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- Biohazard waste (red bags)
  - Wastewater treatment plant grit

(c) all completed Landfill reports, all completed Landfill correspondence, and all finished Landfill data and documents located in VRSD's official files, and (d) all documents referenced in or relied upon in any of the above listed records. These findings and determinations constitute the independent findings and determinations of the District Board in all respects and are fully completely supported by the substantial evidence in the record as a whole.

Adopted by the Ventura Regional Sanitation District Board of Directors on May 20, 2021, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

VENTURA REGIONAL SANITATION  
DISTRICT

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Jim Freidman  
Chairman, Board of Directors

ATTEST:

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Juliet Rodriguez  
Clerk of the Board