

JEANINE B. NADEL
COUNTY COUNSEL

DOUGLAS L. LOSAK
CHIEF DEPUTY

DEPUTY COUNTY COUNSELS

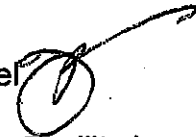
SANDRA L. APPLIGATE
TERRY N. GROSS
ROSS WALKER
JOAN H. TURNER



OFFICE OF THE
COUNTY COUNSEL
ADMINISTRATION CENTER
501 LOW GAP ROAD, RM. 1030
UKIAH, CA 95482

December 9, 2011

TO: Honorable Board of Supervisors

FROM: Jeanine B. Nadel, County Counsel 

RE: Fort Bragg Wastewater Treatment Facility Leachate Disposal Fee
Opinion No. 11-0777

Pursuant to direction from the Board, I have reviewed the issue regarding the Fort Bragg Wastewater Treatment Facility Leachate Disposal Fee. Based on my review of the documentation, it is my opinion that the County is responsible for payment of the fee incurred for leachate disposed in 2011. It is my recommendation that the attached invoice for the period January 1, 2011 through June 30, 2011 be paid.

As you know, the County is a party to the Joint Powers Agreement with the City of Fort Bragg for the Caspar Landfill and Solid Waste Transfer Station. (Attached to this agreement as Exhibit A.) Pursuant to Paragraph No. 2 of the agreement, "costs" for the continuing post-closure management, maintenance and repair of the closed Caspar Solid Waste landfill are the joint responsibility of the County and City.

On August 2, 2011, the City of Fort Bragg presented to the Mendocino County Department of Transportation (MCDOT) two invoices for leachate disposal fees; one in the amount of \$72,500.00 for the 2010 calendar year (January 1, 2010 through December 31, 2010), and one in the amount of \$74,312.50 for the period January 1, 2011 through June 30, 2011. (See attached Exhibit B.) Leachate disposal fees are a cost incurred by each of the three closed County landfills. Leachate is hauled from the Laytonville Landfill to the City of Willits sewage disposal facility, and leachate is hauled from the South Coast Landfill to the Gualala Community Services District sewage disposal facility. MCDOT staff verified the Total Gallons Processed on each invoice by totaling entries made into the Leachate Truck Log that was prepared by the driver who hauled the leachate to the City of Fort Bragg sewage disposal facility. In addition, MCDOT staff requested that the date of the invoice for the period January 1, 2010

through December 31, 2010 be changed to July 7, 2011 to properly reflect the date the invoice was originally prepared.

Until MCDOT received these two invoices from the City of Fort Bragg, the leachate hauled from the Caspar Landfill was disposed of at the City of Fort Bragg sewage disposal facility but the City of Fort Bragg did not invoice the County for these costs.

Leachate disposal fees for the Caspar Landfill were not included in the budget for BU 4511 for either Fiscal Year 2009/10 or Fiscal Year 2010/11. Also, a portion of these expenses will be charged back to the City of Fort Bragg in the annual billing to the City for its portion of the operating costs.

As a result of the County's inquiry, the City of Fort Bragg, through its City Manager, conducted a review of the invoicing and fees charged to the County. On October 24, 2011, Linda Ruffing sent correspondence to Howard Dashiell in which she explained the City's position relative to the fees that were charged. (See Attached Exhibit C.) Ms. Ruffing stated in her letter that "upon further review we have determined that the leachate disposal fee that was in place prior to December 13, 2010 was contractually negotiated with Georgia-Pacific and was not part of the adopted fee schedule. Therefore, we have concluded that the fee should not be applied to the Caspar Landfill leachate processed at the WWTF in 2010." Ms. Ruffing has voided the 2010 invoices. (See attached Exhibit D.) The invoice and \$0.25 charge for 2011 will remain in effect. Ms. Ruffing also indicated that the City's representatives on the Joint Coordinating Committee have directed staff to present a reduction in the fee from \$0.25 to \$0.17 per gallon for disposal of leachate by public entities when the City's Fee Schedule is updated. If approved, the new \$0.17 per gallon fee will go into effect for 2012.

On December 10, 2010, the City adopted its fee schedule referenced above. (See attached Exhibit E.) The leachate disposal fee is included. The leachate disposal fee is a fee charged by the Fort Bragg Municipal Improvement District. This District was formed by resolution on April 28, 1969. (See Attached Exhibit F.) The District is an "enterprise" district and does not rely primarily on general revenues such as property taxes. A special district that relies primarily on its ability to charge fees for the services performed is not restricted to the general rule that fees cannot exceed the actual cost. The District at one time did receive property tax income to service revenue bonds that were issued to finance sewer plan upgrades. The bonds were retired in 2009 and no property tax revenue is currently being received by the District. (See attached audit report for fiscal year ending June 30, 2010 attached as Exhibit G.)

In conclusion, the District is entitled to charge for its services and those fees are not restricted to actual costs. As stated above, due to the Board's request that

this issue be reviewed, the City did determine that the 2010 fees were not properly charged and those fees have been waived. The County is only responsible for the fees incurred in 2011 in the amount of \$74,312.50. The City will be billed by the County for its share of this cost in accordance with the provisions of the Joint Powers Agreement.

JBN/rma

cc: Carmel J. Angelo, CEO
Howard Dashiell, Director, MCDOT

**JOINT POWERS AGREEMENT BETWEEN THE COUNTY OF MENDOCINO AND
CITY OF FORT BRAGG FOR CASPAR LANDFILL AND SOLID WASTE
TRANSFER STATION**

This Joint Powers Agreement (hereinafter, "Agreement") is made and entered into on this 25th day of January, 2011, between the County of Mendocino (hereinafter, "County") and the City of Fort Bragg (hereinafter "City").

WHEREAS, County and City are authorized to enter into an agreement for joint exercise of any common power under Sections 6500 et. seq. of the California Government Code; and

WHEREAS, County and City are each authorized to provide for solid waste disposal services to their residents and businesses; and

WHEREAS, County and City jointly own 60 acres, more or less, in the Caspar area at the terminus of Prairie Way, also known as Assessor's Parcel Numbers 118-50-010 and 118-50-011 (hereinafter "Caspar property"); and

WHEREAS, County and City first entered into a joint powers agreement for use of the Caspar property for solid waste disposal purposes on or about October 31, 1967, amended the agreement on August 25, 1970, enacted a new joint powers agreement on August 16, 1977, and amended it on October 10, 1978, April 24, 1989, and February 4, 1993; all of which are collectively referred to hereinafter as the "Original Agreement," and

WHEREAS, pursuant to the Original Agreement, County and City used the Caspar property for solid waste landfill purposes from 1968 to 1992, and thereafter have used the Caspar property for a solid waste transfer station; and

WHEREAS, County and City wish to terminate the Original Agreement and adopt a new joint powers agreement for clarity and to respond to new circumstances.

NOW THEREFORE BE IT RESOLVED, that County and City, for and in consideration of the mutual agreements herein stated and the performance thereof, and for other valuable and adequate consideration, do hereby agree for and on behalf of themselves and their successors in interest as follows:

- 1. The Original Agreement is hereby terminated and replaced by this Agreement.**
- 2. Costs for the continuing post-closure management, maintenance and repair of the closed Caspar solid waste landfill are the joint responsibility of County and City. Any costs for corrective action which are mandated by federal, state or local regulatory authorities, which exceed the financial resources already dedicated by County and City for post-closure functions, shall be paid equally by County and City.**
- 3. County shall manage all post-closure maintenance, monitoring and reporting requirements for the closed Caspar solid waste landfill (California Solid Waste Information System #23-AA-0003). County shall prepare an annual fiscal year budget for post-closure and submit it by May 1 of each year to City for comment and review. If City disagrees with the proposed budget, City shall request a meeting with County to resolve any disagreements. County shall submit to City and City shall pay an annual invoice that shall provide detailed documentation of all expenditures and City and County shall each be responsible for 50% of the previous fiscal year's post-closure expenditures. Both parties acknowledge that unforeseen events, such as winter storm damage, slide or collapse, can occur to closed landfills and that emergency expenditures may be required that cannot be accurately anticipated in an annual budget.**
- 4. County shall enter into a "Caspar Transfer Station Operations Agreement and Lease"(hereinafter, "Operations Agreement") with Solid Wastes of Willits, Inc. to convert the existing Caspar Transfer Station, from County operation to operation by Solid Wastes of Willits, Inc. City has reviewed and approved the Operations Agreement and consents to it in all respects that affect City's rights, powers, ownership, interests and liabilities. The Operations Agreement is attached hereto as Exhibit A. Any amendments to the Operations Agreement that pertain to the Caspar Transfer Station will require the prior written consent of City and County, including, but not limited to, changes in destinations of materials received at the transfer station.**

5. The Operations Agreement specifies that the operator shall pay a specified amount of money to County per cubic yard of solid waste and recyclables entering Caspar Transfer Station as rent for the use of the property. The amount of the rent, and any change thereto, must be mutually agreed to by City and County. The proceeds from rent will be held in a dedicated account by the County to be used for site improvements at Caspar Transfer Station or development of a new transfer station facility in the greater Fort Bragg area, and disbursements from this account shall be made with mutual consent of City and County.
6. Replacement or expansion of the Caspar Transfer Station is necessary to accommodate commercial solid waste collection trucks and allow long-haul direct transfer to a destination landfill. County and City shall cooperate in a siting and development project to provide such an expanded facility, either at the Caspar property or another site, and shall amend this Agreement as necessary to implement the expansion.
7. Any future change in use of the Caspar property, change in management or disposition of the closed landfill, or sale of the property or portions thereof shall require consent of both City and County.
8. A Joint Coordinating Committee consisting of two City Council members appointed by the City Council and two County Supervisors appointed by the County Board of Supervisors, augmented by staff from County and City, shall meet as necessary to review the budget and operations of Caspar Transfer Station under private operation, the post-closure of Caspar landfill, the project to expand transfer station facilities, and other issues concerning this Agreement. The Joint Coordinating Committee shall serve in an advisory capacity to the Board of Supervisors and City Council and shall comply with the provisions of the Brown Act.
9. This Agreement shall continue in effect unless written notice of withdrawal shall have been served by one party upon the other not less than one year in advance of the termination date. In case of termination:
 - (A) County and City responsibility for post-closure maintenance, repair and monitoring of the closed Caspar Landfill, as stated herein, shall continue to be managed and assigned in accordance with section 3, above.
 - (B) The Operations Agreement shall be unaffected regarding Caspar Transfer Station, for any remaining term of the Operations Agreement.

(C) Except for the activities described in subsections 9(A) and 9(B) above, neither party will make any use of the Caspar property that is not approved in writing by the other party, except that neither party shall unreasonably deny the other party authorization to continue operation of a self-haul transfer station at the Caspar site if no other self-haul disposal site exists in the greater Fort Bragg coastal area.

IN WITNESS WHEREOF, County and City, by their duly authorized representatives, have executed this Joint Powers Agreement on the day and year first above written.

COUNTY OF MENDOCINO

Kendall Smith

Chair, Board of Supervisors

Date: JAN 25 2011

ATTEST:

Jeanine Madel Deputy
Clerk of the Board

APPROVED AS TO FORM:

Jeanine Madel
County Counsel

I hereby certify that according to the provisions of Government Code sections 25103, delivery of this document has been made.

CARMEL J ANGELO
Clerk of the Board

By: Jeanine Madel
Deputy

CITY OF FORT BRAGG

Linda Ruffing

Linda Ruffing
City Manager

Date: 2.1.11

ATTEST:

Cynthia M. VanWormer
Cynthia M. VanWormer, CMC
City Clerk

APPROVED AS TO FORM:

Michael Gogna
Michael Gogna
City Attorney



CITY OF FORT BRAGG

Incorporated August 5, 1889

416 N. Franklin St.

Fort Bragg, CA 95437

Phone: (707) 961-2823

Fax: (707) 961-2802

<http://city.fortbragg.com>

July 7, 2011

County of Mendocino
Department of Transportation
340 Lake Mendocino Drive
Ukiah, CA 954825

ALL DEBTS DUE THE CITY MUST BE PAID WITHIN 30 DAYS AFTER THE DEBT IS CONTRACTED.
ALL PAYMENTS MUST BE MADE AT THE FORT BRAGG CITY HALL BETWEEN THE HOURS OF 9 AM AND 5 PM

LEACHATE DISPOSAL FEES FOR THE CALENDAR YEAR ENDED DECEMBER 31, 2010:

Total Gallons Processed
January 1, 2010 through June 30, 2010,
Times \$0.25 per Gallon

150,000.0 gallons
X\$0.25

FY 09/10

TOTAL DUE:

\$37,500.00

Total Gallons Processed
July 1, 2010 through December 31, 2010,
Times \$0.25 per Gallon

140,000.0 gallons
X\$0.25

FY 10/11

TOTAL DUE:

\$35,000.00

/gfm

EXHIBIT 5

CASPAR LANDFILL LEACHATE DISPOSAL

Jan 1, 2010 ~ Dec 31, 2010

<u>Date</u>	<u># of Loads</u>	<u>Gallons per Load</u>	<u>Total Gallons per Day</u>	<u>Employee</u>	<u>From</u>	<u>Destination</u>
01/05/10	3	2,500	7,500		Caspar LF	Ft Bragg
01/06/10	2	2,500	5,000		Caspar LF	Ft Bragg
01/13/10	1	2,500	2,500	Dale	Caspar LF	Ft Bragg
01/21/10	5	2,500	12,500	Dale	Caspar LF	Ft Bragg
01/25/10	7	2,500	17,500	Dale	Caspar LF	Ft Bragg
01/26/10	4	2,500	10,000	Dale	Caspar LF	Ft Bragg
02/08/10	5	2,500	12,500	Dale	Caspar LF	Ft Bragg
02/12/10	4	2,500	10,000	Dwayne	Caspar LF	Ft Bragg
03/01/10	5	2,500	12,500	Dwayne	Caspar LF	Ft Bragg
03/05/10	4	2,500	10,000	Dwayne	Caspar LF	Ft Bragg
4/5/2010	5	2,500	12,500	Dwayne	Caspar LF	Ft Bragg
4/13/2010	5	2,500	12,500	Dwayne	Caspar LF	Ft Bragg
4/29/2010	5	2,500	12,500	Dwayne	Caspar LF	Ft Bragg
5/18/2010	5	2,500	12,500	Dwayne	Caspar LF	Ft Bragg
FY 09/10 TOTAL:			150,000			

<u>Date</u>	<u># of Loads</u>	<u>Gallons per Load</u>	<u>Total Gallons per Day</u>	<u>Employee</u>	<u>From</u>	<u>Destination</u>
10/27/2010	5	2,500	12,500	Dwayne	Caspar LF	Ft Bragg
10/28/2010	2	2,500	5,000	Dwayne	Caspar LF	Ft Bragg
11/12/2010	4	2,500	10,000	Dwayne	Caspar LF	Ft Bragg
11/22/2010	6	2,500	15,000	Dale	Caspar LF	Ft Bragg
12/1/2010	5	2,500	12,500	Dale	Caspar LF	Ft Bragg
12/8/2010	5	2,500	12,500	Dale	Caspar LF	Ft Bragg
12/14/2010	7	2,500	17,500	Dale	Caspar LF	Ft Bragg
12/20/2010	6	2,500	15,000	Dale	Caspar LF	Ft Bragg
12/22/2010	5	2,500	12,500	Dwayne	Caspar LF	Ft Bragg
12/27/2010	4	2,500	10,000	Dale	Caspar LF	Ft Bragg
12/28/2010	7	2,500	17,500	Dale	Caspar LF	Ft Bragg
FY 10/11 TOTAL:			140,000		Oct ~ Dec 2010	



CITY OF FORT BRAGG

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416 N. Franklin St.
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August 2, 2011

County of Mendocino
Department of Transportation
340 Lake Mendocino Drive
Ukiah, CA 95482

ALL DEBTS DUE THE CITY MUST BE PAID WITHIN 30 DAYS AFTER THE DEBT IS CONTRACTED.
ALL PAYMENTS MUST BE MADE AT THE FORT BRAGG CITY HALL BETWEEN THE HOURS OF 9 AM AND 5 PM

LEACHATE DISPOSAL FEES FOR THE PERIOD JANUARY 1, 2011 THROUGH JUNE 30, 2011:

REVISED BILLING

Total Gallons Processed
Times \$0.25 per Gallon

297,250.0 gallons
X\$0.25

TOTAL DUE:

\$74,312.50

/gfm

CASPAR LANDFILL LEACHATE DISPOSAL

Jan 1, 2011 ~ June 30, 2011

<u>Date</u>	<u># of Loads</u>	<u>Gallons per Load</u>	<u>Total Gallons per Day</u>	<u>Employee</u>	<u>From</u>	<u>Destination</u>
1/3/2011	6	2,500	15,000	Dale	Caspar LF	Ft Bragg
1/4/2011	5	2,500	12,500	Dale	Caspar LF	Ft Bragg
1/13/2011	5	2,500	12,500	Dale	Caspar LF	Ft Bragg
1/24/2011	1	2,500	2,500	Dwayne	Caspar LF	Ft Bragg
1/31/2011	1	2,500	2,500	Rick Norman	Caspar LF	Ft Bragg
2/1/2011	4	2,500	10,000	Rick Norman	Caspar LF	Ft Bragg
2/1/2011	1	1,000	1,000	Rick Norman	Caspar LF	Ft Bragg
2/18/2011	5	2,500	12,500	Carl Mechling	Caspar LF	Ft Bragg
2/22/2011	6	2,500	15,000	Rick Norman	Caspar LF	Ft Bragg
2/23/2011	4	2,500	10,000	Rick Norman	Caspar LF	Ft Bragg
3/2/2011	6	2,500	15,000	Chuck Chernow	Caspar LF	Ft Bragg
3/5/2011	6	2,500	15,000	Rick Norman	Caspar LF	Ft Bragg
3/6/2011	2	2,500	5,000	Rick Norman	Caspar LF	Ft Bragg
3/14/2011	2	2,500	5,000	Rick Norman	Caspar LF	Ft Bragg
3/15/2011	6	2,500	15,000	Rick Norman	Caspar LF	Ft Bragg
3/16/2011	6	2,500	15,000	Chuck Chernow	Caspar LF	Ft Bragg
3/18/2011	6	2,500	15,000	Rick Norman	Caspar LF	Ft Bragg
3/19/2011	4	2,500	10,000	Rick Norman	Caspar LF	Ft Bragg
3/20/2011	2	2,500	5,000	Chuck Chernow	Caspar LF	Ft Bragg
3/22/2011	6	2,500	15,000	Chuck Chernow	Caspar LF	Ft Bragg
3/23/2011	6	2,500	15,000	Rick Norman	Caspar LF	Ft Bragg
3/26/2011	7	2,500	17,500	Rick Norman	Caspar LF	Ft Bragg
3/28/2011	2	2,500	5,000	Chuck Chernow	Caspar LF	Ft Bragg
3/29/2011	6	2,500	15,000	Chuck Chernow	Caspar LF	Ft Bragg
3/31/2011	4	2,500	10,000	Rick Norman	Caspar LF	Ft Bragg
3/31/2011	2	2,500	5,000	Walter Crain	Caspar LF	Ft Bragg
4/6/2011	5	2,500	12,500	Chuck Chernow	Caspar LF	Ft Bragg
4/6/2011	1	1,250	1,250	Chuck Chernow	Caspar LF	Ft Bragg
6/2/2011	3	2,500	7,500	Rick Norman	Caspar LF	Ft Bragg

FY 10/11 TOTAL: 297,250

Jan ~ June 2011



CITY OF FORT BRAGG

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October 24, 2011

Mr. Howard Dashiell
Mendocino County Department of Transportation
340 Lake Mendocino Drive
Ukiah, CA 95482

Subject: Fort Bragg Wastewater Treatment Facility Leachate Disposal Fee

Dear Howard,

Thank you for the email debriefing on the direction given to you by the Board of Supervisors on October 4th regarding payment of the invoices for disposal of leachate from the Caspar landfill at the Fort Bragg Wastewater Treatment Facility (WWTF). Your email explains that:

..."the majority of Board members believe that because the JPA says we (City and County) share the actual COST of Caspar operations that we need to have an accounting of ACTUAL COST at the City wastewater treatment plant and that the amount shared should be that actual cost."

I would like to point out that the 2011 Joint Powers Agreement addresses cost sharing between the City and County as follows:

Costs for the continuing post-closure management, maintenance and repair of the closed Caspar solid waste landfill are the joint responsibility of County and City. Any costs for corrective action which are mandated by federal, state or local regulatory authorities, which exceed the financial resources already dedicated by County and City for post-closure functions, shall be paid equally by County and City.

The Agreement does not require that legitimate charges in accordance with established fee schedules be set aside and replaced with charges based solely on "actual costs." The Fort Bragg Municipal Improvement District's "actual cost" of processing the leachate at the WWTF is irrelevant to any charge imposed by the District for accepting leachate. We disagree that an accounting of such costs by the District is either warranted or necessary to determine what the charge should be. The charge for disposing of leachate at the WWTF is the fee established in the Fee Schedule that is updated on an annual basis. As noted in my September 23rd memo, to the extent that the District agrees to accept leachate for disposal, it is operating as the proprietor of an enterprise. Acceptance of leachate for disposal is a purely discretionary service and the normal restriction of "the rate charged cannot exceed the cost of providing the service" does not apply.

The County has considerable latitude with regard to its performance of post-closure obligations at the Caspar Landfill. If there are other cost-effective means of reducing leachate volume, treating it on site, or disposing of it at another facility, we encourage you to pursue them. In the meantime, leachate

EXHIBIT C

from the Caspar Landfill that is disposed of at the WWTF will be subject to the fees in effect at the time of disposal. The City stands firm in its belief that all charges for leachate disposal should be allocated between the City and the County based on the fees that are in place at the time of the discharge. It is understood that the City will incur one-half of all leachate disposal charges.

The City's representatives on the Joint Coordinating Committee have directed staff to present a discounted fee of \$0.17 per gallon for disposal of leachate by public entities when the City's Fee Schedule is updated later this year. If approved, the new \$0.17 per gallon fee will go into effect for leachate disposal at the WWTF in 2012. Invoices for 2012 and beyond will reflect whatever rate is in effect when the discharges are made.

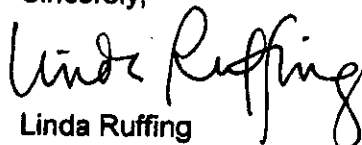
For leachate disposed in 2011, a rate of \$0.25 per gallon is in effect. The invoice for discharges made in 2011 remains due and payable. The future invoice for the second half of 2011 will reflect the \$0.25 per gallon charge that is currently in effect.

Upon further review, we have determined that the leachate disposal fee that was in place prior to December 13, 2010 was contractually negotiated with Georgia-Pacific and was not part of the adopted fee schedule. Therefore, we have concluded that the fee should not be applied to the Caspar Landfill leachate processed at the WWTF in 2010. Based on this determination, I have directed our Finance Department staff to void the invoices that were sent for discharges in 2010.

It may be worth bringing to the attention of the Board of Supervisors that this dialogue has been very productive insofar as the 2010 charges have been waived and the current fee of \$0.25 per gallon may be reduced to \$0.17 in the City's 2012 Fee Schedule. Further, it should be noted that the District did not charge ANY leachate disposal fee for the processing of leachate from the Caspar Landfill for many years which represents a considerable cost savings to the County.

I hope that this matter can be laid to rest.

Sincerely,



Linda Ruffing
City Manager

Cc: Supervisor Kendall Smith, 4th District
Supervisor Dan Hamburg, 5th District
City Council
Mike Sweeney, MSWMA General Manager
Carmel Angelo, Mendocino County CEO
Mike Gogna, City Attorney
Rosana Cimolino, Finance Director



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July 7, 2010

County of Mendocino
Department of Transportation
340 Lake Mendocino Drive
Ukiah, CA 954825

ALL DEBTS DUE THE CITY MUST BE PAID WITHIN 30 DAYS AFTER THE DEBT IS CONTRACTED.
ALL PAYMENTS MUST BE MADE AT THE FORT BRAGG CITY HALL BETWEEN THE HOURS OF 8 AM AND 5 PM

LEACHATE DISPOSAL FEES FOR THE CALENDAR YEAR ENDED DECEMBER 31, 2010:

Total Gallons Processed
January 1, 2010 through June 30, 2010,
Times \$0.25 per Gallon

150,000.0 gallons
X\$0.25

TOTAL DUE:

\$37,500.00

Total Gallons Processed
July 1, 2010 through December 31, 2010,
Times \$0.25 per Gallon

140,000.0 gallons
X\$0.25

TOTAL DUE:

\$35,000.00

/gfm

EXHIBIT D

CASPAR LANDFILL LEACHATE DISPOSAL

Jan 1, 2010 ~ Dec 31, 2010

<u>Date</u>	<u># of Loads</u>	<u>Gallons per Load</u>	<u>Total Gallons per Day</u>	<u>Employee</u>	<u>From</u>	<u>Destination</u>
01/05/10	3	2,500	7,500		Caspar LF	Ft Bragg
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01/13/10	1	2,500	2,500	Dale	Caspar LF	Ft Bragg
01/21/10	5	2,500	12,500	Dale	Caspar LF	Ft Bragg
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02/08/10	5	2,500	12,500	Dale	Caspar LF	Ft Bragg
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4/29/2010	5	2,500	12,500	Dwayne	Caspar LF	Ft Bragg
5/18/2010	5	2,500	12,500	Dwayne	Caspar LF	Ft Bragg
FY 09/10 TOTAL:			150,000			

<u>Date</u>	<u># of Loads</u>	<u>Gallons per Load</u>	<u>Total Gallons per Day</u>	<u>Employee</u>	<u>From</u>	<u>Destination</u>
10/27/2010	5	2,500	12,500	Dwayne	Caspar LF	Ft Bragg
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11/22/2010	6	2,500	15,000	Dale	Caspar LF	Ft Bragg
12/1/2010	5	2,500	12,500	Dale	Caspar LF	Ft Bragg
12/8/2010	5	2,500	12,500	Dale	Caspar LF	Ft Bragg
12/14/2010	7	2,500	17,500	Dale	Caspar LF	Ft Bragg
12/20/2010	6	2,500	15,000	Dale	Caspar LF	Ft Bragg
12/22/2010	5	2,500	12,500	Dwayne	Caspar LF	Ft Bragg
12/27/2010	4	2,500	10,000	Dale	Caspar LF	Ft Bragg
12/28/2010	7	2,500	17,500	Dale	Caspar LF	Ft Bragg
FY 10/11 TOTAL:			140,000		Oct ~ Dec 2010	

RESOLUTION NO. 3413-2010

RESOLUTION OF THE FORT BRAGG CITY COUNCIL ADOPTING A FEE SCHEDULE FOR MISCELLANEOUS CITY SERVICES

WHEREAS, the City Council finds it appropriate to charge fees for certain miscellaneous services provided by the City; and

WHEREAS, the City maintains a comprehensive "Consolidated Fee Schedule" to provide members of the public and City staff with a convenient method for determining fees and charges that apply to certain City services; and

WHEREAS, included in the Consolidated Fee Schedule is a list of fees for miscellaneous services; and

WHEREAS, the City has conducted an analysis of its miscellaneous services and the costs reasonably incurred in providing those services, the beneficiaries of those services, and the revenues produced by those paying fees and charges for miscellaneous services; and

WHEREAS, the City has a policy of recovering the full costs reasonably incurred in providing miscellaneous services of a voluntary and limited nature, such that those receiving the miscellaneous services pay the associated costs and general taxes are not diverted from general services of a broad nature and thereby utilized to subsidize unfairly and inequitably such miscellaneous services; and

WHEREAS, pursuant to Government Code Section 66018, the specific fees to be charged for such miscellaneous services must be adopted by the City Council after providing notice and holding a public hearing; and

WHEREAS, the City Council conducted a public hearing on December 13, 2010, following proper notice, to obtain comments on the proposed fee schedule; and

WHEREAS, based on all the evidence presented at the time of the public hearing on this matter, the City Council finds as follows:

1. All notices and publications have been given in accordance with Government Code section 6062a; and
2. The fees collected for providing miscellaneous services are not a source of additional general fund revenues nor are they a "special tax" as described in California Government Code section 50076; and
3. Modifications to the current fees, as identified in Exhibit "A", have been reviewed and are found to not exceed the estimated reasonable cost of providing the services for which the fees are levied.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby adopt the fees as shown on Exhibit "A", attached, showing the fees to be charged for the services described therein.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to update the Consolidated Fee Schedule to reflect the fees described in Exhibit "A".

BE IT FURTHER RESOLVED that these fees shall become effective upon adoption.

The above and foregoing Resolution was introduced by Councilmember Hammerstrom, seconded by Councilmember Gjerde, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 13th day of December, 2010, by the following vote:

AYES: Councilmembers Courtney, Gjerde, Hammerstrom, Melo, and Mayor
Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.

DAVE TURNER,
Mayor

ATTEST:

Cynthia M. VanWormer, CMC
City Clerk

EXHIBIT "A"

FEES FOR VARIOUS CITY SERVICES

ANIMAL CARE & CONTROL FEES

CATEGORY:	FEE
Adoption Fees	Set by MCHS
<u>Dog Licenses:</u>	
- Altered	\$20
- Unaltered	\$50
- Duplicate License/Tag	\$5
- Delinquent Licensing Penalty – altered	Double license fee
- Delinquent Licensing Penalty – unaltered	Double license fee
- Potentially Dangerous/Vicious Dog license	\$100
Feed & Care Fees	Set by MCHS
<u>Impound/Redemption Fee – Unaltered</u>	
- 1 st Offense	\$35
- 2 nd Offense	\$50
- 3 rd and subsequent Offenses	\$100
<u>Impound/Redemption Fee – Altered</u>	
- 1 st Offense	\$10
- 2 nd Offense	\$25
- 3 rd and subsequent Offenses	\$50
Protective Custody Hold	Set by County
Spay/Neuter Fees	Set by MCHS
<u>Surrender Fees:</u>	
- Stray Animals	Set by MCHS
- Owner Surrender	Set by MCHS
Vaccinations/Medications/Tests/Microchip	Set by MCHS
Veterinary Services	Set by MCHS
Vicious Potentially Dangerous Animal Hearing Fee	\$300

FINANCE DEPARTMENT FEES

CATEGORY:	FEE
Audit Reports – Complete Set	\$30

CATEGORY:	FEE
Audit Reports – Subsets	\$13
Budget Document	\$51
<u>Business License Fees</u>	
– Initial License	\$100
– Initial License for Home Occupation	\$63
– Change of Name	\$15
– Change of Ownership	\$100
– Change of Business Location	\$100
– Duplicate License	\$8.50
– License Renewal (Annual)	\$64
– Non-Profit Business License	\$36
Return check fee (charge for return of bad check from bank or financial institution)	\$35
Replace lost AP Check	\$21
Utility Bill – Final Notice Penalty	\$40
Utility Profile Fee (one free in 12-month period)	\$25

MISCELLANEOUS FEES

CATEGORY:	PROPOSED FEE
<u>Color Copies:</u>	
– 8 ½ x 11 and 8 ½ x 14 (per page)	\$0.30
– 11 x 17 (per page)	\$0.60

PUBLIC SAFETY FEES

CATEGORY:	FEE
Alarm Fee – for alarms terminating at Police Department, Annually	\$25
<u>Audio Tape Recording Copy</u>	
– Requestor provides tape	\$25
– City provides tape	\$26
Concealed Weapon Permit Fees	Removed – not used
Conference Room use during non-business hours (per hour)	\$50
Found Property Claimant	\$25
Gun Storage Fee	\$75
Insurance Letter for Crime Report	\$25

CATEGORY:	FEE
<u>Evidence Photographs:</u>	
- Digital	\$25 + cost of photo supplies (\$1 per sheet of photo paper or digital CD copy) + postage if mailed
- Commercial film developing	\$50 + charge by commercial film developer + postage if mailed
Record Clearance Checks	\$54
<u>Taxicab Fees:</u>	
- Taxi Driver Background Check	\$105 + DOJ Fee
Vehicle Accident Report	\$25
Vehicle Release (for towed vehicle) – normal release	\$84
Vehicle Release (for towed vehicle) – 30 day hold review/release	\$115
<u>Video Tape Copy:</u>	
- Requestor provides tape	\$25
- City provides tape	\$30

PUBLIC WORKS FEES

CATEGORY:	FEE
<u>Backflow Prevention Device Fees:</u>	
- Annual test fee if performed by City personnel (should the device fail the test, customer is responsible for repairs & would receive one follow-up retest at no charge)	\$90
Building Permit for driveway and/or handicap ramp	\$70
<u>Deposit to borrow City-owned Equipment:</u>	
- Rental Fee for City-owned Equipment	\$65
- Rental Fee for City-owned Equipment/Street Closure	\$230
<u>Encroachment Permit Fees:</u>	
- Permit Issuance Fee	\$85
- Sidewalk Closure (façade improvements, sidewalk sales, etc.)	\$85
<u>Food Service Establishment Wastewater Discharge Permit Fees:</u>	
- Annual Inspection Fee	\$75
- Initial Application Fee	\$105
<u>Grease Trap/Interceptors:</u>	
- Initial Application Fee	\$105
- Annual Inspection Fee (this fee may be waived upon demonstration by the permittee that fats, oils, and grease collected in grease interceptors, or alternate approved	\$75

CATEGORY:	FEE
systems, have been recycled for conversion to bio-diesel or other products as approved by the District)	
<u>Sanitary Sewer Fees:</u>	
- Permit and inspection of connections to the sanitary sewer system per residential or nonresidential unit	\$55
- Permit and inspection of apartment connections to the sanitary sewer system	\$55 + \$10 per each unit in excess of 5 units
- Alterations of existing sewer installations	\$55
<u>Septic Tank Dump Fees:</u>	
Trucks delivering septic tank or chemical toilet pumpings originating from locations inside the district	
- Up to 1500 gallons	\$180
Treated Wastewater Disposal Fee	\$0.25/gallon
Water turn on/off in case of failure to pay	Removed - moved to Finance Dept. and Renamed

TOWN HALL USE FEES

CATEGORY:	FEE
Custodian Charge (per hour during normal hours of work)	\$50
Custodian Charge (per hour, overtime rate)	\$80

GYM USE FEES

CATEGORY:	FEE
Basic Use Fee (per hour)	\$20
Daily Use Fee (12 hours)	\$100
Extended Use Fee	Fee established on case-by-case basis by City Manager

ORIGINAL

CITY OF FORT BRAGG

RESOLUTION NO. 369

RESOLUTION ESTABLISHING FORT BRAGG MUNICIPAL IMPROVEMENT
DISTRICT NO. 1 AND FIXING AND DETERMINING ITS BOUNDARIES
AND DESCRIBING THE SEWER SYSTEM IMPROVEMENTS
AS FINALLY DETERMINED TO BE MADE THEREIN

WHEREAS, the City Council of the City of Fort Bragg heretofore, on March 10, 1969, duly adopted Resolution No. 367 determining that the public interest and convenience require the making of sewer system improvements in a municipal improvement district to be organized in the City of Fort Bragg and in contiguous unincorporated territory, setting forth a description of the area of the proposed district and of the sewer system improvements proposed to be made therein and a general estimate of the costs and expenses of said proposed sewer system improvements, directing that a certified copy of said resolution be filed with the Board of Supervisors of Mendocino County and requesting that said Board of Supervisors consent and agree to the formation of said district, and naming a time and place for the hearing on the formation of said district and providing for notice thereof; and said Board of Supervisors of Mendocino County so consented and agreed by its Resolution No. 69-48 adopted March 18, 1969; and

EXHIBIT 37

WHEREAS, said Resolution No. 367, together with the names of the members of the City Council voting for and against it, was posted and was mailed and was published in the time, form and manner required by said resolution and by the Municipal Sewer and Water Facilities Law of 1911, as evidenced by the affidavits of posting, mailing and publication of said resolution on file in the office of the City Clerk; and

WHEREAS, on Monday, April 28, 1969, at the hour of 8:00 P.M. at the City Council Chambers, City Hall, 416 Franklin Street, Fort Bragg, California, being the time and place fixed for the hearing on the formation of said district, said hearing was duly held and this City Council heard and considered all written and oral objections presented to the formation of the proposed district, the inclusion of any lands in the proposed district, or the making of the proposed sewer system improvements; and

WHEREAS, this City Council is now fully advised in the premises;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fort Bragg as follows:

Section 1. All of the above recitals are true and correct and this City Council so finds and determines.

Section 2. Any and all objections to the formation of the proposed district or to the inclusion of any lands in the proposed district or to the making of the proposed sewer system improvements are hereby overruled, and

this City Council hereby determines that in its judgment the establishment of the district is necessary and convenient for proper sanitation.

Section 3. This City Council hereby determines that no territory or land is included within the boundaries of the proposed district which will not be benefited by the sewer system improvements hereinafter described and that no land has been excluded from the proposed district which would be benefited by said sewer system improvements.

Section 4. This City Council hereby establishes the "Fort Bragg Municipal Improvement District No. 1."

Section 5. The boundaries of said district are hereby established, fixed and finally determined to be as follows:

Boundaries of Fort Bragg Municipal
Improvement District No. 1

Consisting of all that territory in the County of Mendocino, State of California, within the exterior boundaries more particularly described as follows:

Beginning at the intersection of the center line of Pudding Creek and the Easterly right of way line of State Highway No. 1 (1-MEN-56-F) said point being distant South $4^{\circ}55'29''$ East 90.09 feet from Engineers Station 56+24.33 E.C. of the center line survey of said California State Highway No. 1; running thence from said point of beginning Northerly along said Easterly right of way line along the arc of a curve concave to the East the tangent of which bears North $20^{\circ}01'49''$ East having a radius of 3360 feet

through a central angle of $1^{\circ}31'42''$ for a distance of 89.63 feet; thence North $21^{\circ}33'31''$ East 334.20 feet; thence North $2^{\circ}18'21''$ West 425.66 feet; thence North $9^{\circ}12'20''$ East 155.86 feet; thence North $17^{\circ}04'14''$ West 615.18 feet; thence leaving said Easterly right of way line of State Highway No. 1 and running South $88^{\circ}07'20''$ East 25.76 feet; thence South $16^{\circ}52'20''$ East 139.11 feet; thence South $33^{\circ}22'20''$ East 650.88 feet; thence South $8^{\circ}09'44''$ West 50 feet; thence South $2^{\circ}18'21''$ East 505.00 feet; thence South $21^{\circ}33'31''$ West 280.16 feet; thence South $1^{\circ}20'53''$ West 78.77 feet to the center line of Pudding Creek; running thence along said center line of Pudding Creek Easterly to its point of intersection with the Northerly projection of the Easterly line of Dana Street; running thence along said Easterly line of Dana Street South to the Southerly line of Oak Street; thence leaving the Easterly line of Dana Street and running along said Southerly line of Oak Street East 308 feet; thence leaving said Southerly line of Oak Street and running South 640 feet; running thence West 308 feet to the Easterly line of Dana Street; running thence along said Easterly line of Dana Street and the Southerly projection thereof South to the Ordinary High Water Mark delineating the left bank (South) of Noyo River as shown on that certain map entitled "Survey of the Ordinary High Water Mark on the Banks of the Noyo River, Vicinity of Fort Bragg" prepared by the California State Lands Commission dated July 1954 and filed March 6, 1956 in map case 1, drawer 10, page 42, Mendocino County Records; running thence along

said Ordinary High Water Mark South Westerly to the most Northerly corner of that certain parcel of land conveyed to the Noyo Harbor District by deed recorded October 21, 1966 in book 727 at page 142, Mendocino County Records; running thence along the Easterly boundary of said Noyo Harbor District land and the Southerly projection thereof South $1^{\circ}09'$ West 2915 feet more or less to the Southerly right of way line of State Highway No. 20; running thence along said Southerly right of way line Westerly to the Easterly right of way line of State Highway No. 1; running thence along said Easterly right of way line Southerly to the center line of Hare Creek; running thence along said center line of Hare Creek Westerly to the Mean High Tide Line of the Pacific Ocean; running thence along said Mean High Tide Line Northerly to the Southerly terminus of the Headland to Headland Line as shown on that certain map entitled "Amended Plat of the Grant to Noyo Harbor District, Chapter 555 Statutes of 1961, Vicinity of Noyo Cove, Mendocino County, California" dated May 1962 and recorded May 16, 1967 in map case 2, drawer 8, page 48, Mendocino County Records; running thence along said Headland to Headland Line North $12^{\circ}25'50''$ East 1737.79 feet to the said Mean High Tide Line of the Pacific Ocean; running thence along said Mean High Tide Line Northerly to the center line of Pudding Creek; running thence along said center line of Pudding Creek South Easterly to the point of beginning.

Section 6. A description of the sewer system improvements to be made in or by, and for the benefit of, said district is as follows: The acquisition and construction of sewer system improvements, including new collection sewers, main sewers, trunk sewers, interceptors, pumping stations, force mains, outfall lines and sewage treatment plant to provide primary and secondary treatment, together with necessary incidental drainage construction and pipes, pumps, manholes, machinery and equipment therefor; lands, easements and rights of way; and other works, property or structures necessary or convenient for sewer system improvements.

Section 7. This resolution is adopted and all proceedings for the formation of said district and for the incurring of the indebtedness by the City of Fort Bragg on behalf of said district to provide funds for said sewer system improvements hereinabove described shall be taken pursuant to the Municipal Sewer and Water Facilities Law of 1911.

Section 8. A certified copy of this resolution shall be recorded in the office of the County Recorder of the County of Mendocino. Upon such recordation, the Fort Bragg Municipal Improvement District No. 1 shall be deemed organized. Certified copies of this resolution, together with a map or plat showing the boundaries of said district, shall be filed by the City Clerk with the County Assessor of the County of Mendocino, the County Clerk of the County of Mendocino, and the State Board of Equalization.

Section 9. This resolution, together with the names of the members of the City Council voting for and against it, shall be spread upon the minutes of this City Council.

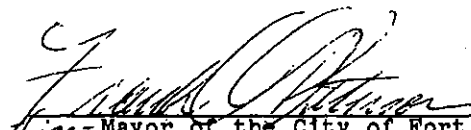
PASSED AND ADOPTED on April 28, 1969, by the following vote:

AYES: Councilmen

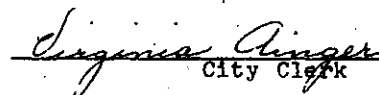
NOES:

ABSENT:

[SEAL]


Vice-Mayor of the City of Fort Bragg,
State of California

ATTEST:


City Clerk

The Summary of Revenues, Expenses, and Changes in Net Assets shown in the table below provides information concerning what contributed to the net changes reported in the Summary of Net Assets:

**CITY OF FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET ASSETS
FOR THE FISCAL YEAR ENDED JUNE 30, 2010**

	2010	2009
Operating Revenues:		
Service Charges	\$ 2,207,930	\$ 1,905,392
Total Operating Revenues	<u>2,207,930</u>	<u>1,905,392</u>
Operating Expenses:		
Sewer Collection	27,163	41,045
Sewer Treatment	1,183,573	1,029,631
General and Administrative	905,178	837,801
Depreciation and Amortization	316,187	292,788
Total Operating Expenditures	<u>2,432,101</u>	<u>2,201,265</u>
Operating Income (Loss)	<u>(224,171)</u>	<u>(295,873)</u>
Non-Operating Revenues (Expenses):		
Taxes and assessments		3,627
Intergovernmental	284,897	226,365
Sewer Installation Fees	8,495	23,679
Investment Earnings	55	916
Interest Expense	(32,998)	(31,933)
Other	15,502	200
Total Non- Operating Revenues (Expenses)	<u>275,951</u>	<u>222,854</u>
Income (loss) before Capital Contributions and transfers	51,780	(73,019)
Capital Contributions	84,779	1,239,278
Transfers		
Transfers in from the City of Fort Bragg	42,220	
Transfers out to the City of Fort Bragg	<u>(49,505)</u>	
Change in Net Assets	129,274	1,166,259
Net Assets, Beginning of Fiscal Year	6,865,736	5,699,477
Net Assets, End of Fiscal Year	<u>\$ 6,995,010</u>	<u>\$ 6,865,736</u>

Capital Asset and Debt Administration

The capital assets of the District are those assets that are used in the performance of the City's functions. At June 30, 2010, the District's net capital assets totaled \$7.6 million (net of depreciation). The investment in capital assets includes land, easements, buildings, improvements other than buildings, machinery and equipment, and construction in progress. Net change to capital assets of the District is a decrease of \$81,706.

FORT BRAGG MUNICIPAL IMPROVEMENT DISTRICT NO. 1

**Statement of Revenues, Expenses, and Changes in Net Assets
For the Fiscal Year Ended June 30, 2010
With Comparative Totals for the Fiscal Year Ended June 30, 2009**

	<u>2010</u>	<u>2009</u>
Operating Revenues		
Service charges	\$ 2,207,930	\$ 1,905,392
Total Operating Revenues	<u>2,207,930</u>	<u>1,905,392</u>
Operating Expenses		
Sewer collection	27,163 ✓	41,045
Sewer treatment	1,183,573	1,029,631
General and administrative	905,178 ✓	837,801
Depreciation and amortization	<u>316,187</u>	<u>292,788</u>
Total Operating Expenses	<u>2,432,101</u>	<u>2,201,265</u>
Operating Income (Loss)	<u>(224,171)</u>	<u>(295,873)</u>
Non-Operating Revenues (Expenses)		
Taxes and assessments		3,627
Intergovernmental ✓	284,897	226,365
Sewer installation fees ✓	8,147	23,679
Investment earnings ✓	403	916
Interest expense ✓	(32,998)	(31,933)
Other ✓	<u>15,502</u>	<u>200</u>
Total Non-Operating Revenues (Expenses)	<u>275,951</u>	<u>222,854</u>
Net Income (Loss) Before Contributions and Transfers	51,780	(73,019)
Capital contributions	84,779	1,239,278
Transfers		
Transfers in from the Fort Bragg Redevelopment Agency	42,220	
Transfers out to the Fort Bragg Redevelopment Agency	<u>(49,505)</u>	
Changes in Net Assets	129,274	1,166,259
Net Assets, Beginning of the Fiscal Year	<u>6,865,736</u>	<u>5,699,477</u>
Net Assets, End of the Fiscal Year	<u>\$ 6,995,010</u>	<u>\$ 6,865,736</u>

The accompanying notes are an integral part of these basic financial statements.