

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS ADOPTED PURSUANT TO K.S.A. 65-3410, IMPLEMENTING AND ESTABLISHING A SCHEDULE OF FEES TO BE ASSESSED AGAINST AND CHARGED TO REAL PROPERTY WITHIN THE COUNTY'S SOLID WASTE SERVICE AREA; PRESCRIBING THE USE AND EXPENDITURE OF REVENUES FROM SUCH FEES AND ESTABLISHING THE BOUNDARIES OF THE COUNTY'S SOLID WASTE SERVICE AREA.**

WHEREAS, the Board of County Commissioners (the "Board") of Sedgwick County, Kansas (the "County") has developed and received approval of a solid waste management plan (the "Plan") for the County pursuant to K.S.A. 65-3401 et seq. (the "Act"); and

WHEREAS, the Act allows the Board to provide for proper effective solid waste management and recycling systems by levying and collecting fees and charges upon persons receiving solid waste management system services; and

WHEREAS, the development and implementation of the Plan and of proper effective solid waste management and recycling systems requires funding which should be paid by a system of fees and charges as authorized by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS:

Section 1. Definitions. For purposes of this resolution, the following terms shall have the following meanings:

"Dwelling Unit" means a structure or the part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

"Nonresidential Improved Property" means a parcel of real property having a unique identifying number (Parcel Identification Number) on the property appraisal records of Sedgwick County, Kansas, on which no Dwelling Unit is constructed, and on which one or more structures other than a Dwelling Unit is constructed.

"Persons Receiving Service" as referred to in K.S.A. 65-3410 means, for the purposes of this resolution, all persons shown on the County's ad valorem tax records as owners of improved real property in the County, falling within the classifications set forth in this resolution.

"Residential Property" means a parcel of real property having a unique identifying number (Parcel Identification Number) on the property appraisal records of Sedgwick County, Kansas, on which at least one Dwelling Unit is constructed.

"Solid Waste Service Area" shall have the boundaries defined in Section 3 of this resolution.

All other words and phrases used in this resolution shall have the meanings defined in the Act, to the extent applicable.

Section 2. Findings. The Board hereby finds and determines that:

A. In order to develop and implement the Plan and to provide for proper effective solid waste management and recycling systems, it is desirable and necessary to establish, levy and collect fees and charges upon Persons Receiving Service in the Solid Waste Service Area.

B. The most just, fair and equitable manner of imposing fees and charges is to divide the County's real property into certain classifications, so that the funds raised bear a reasonable relationship to the various uses to which the real property is put, the volume of waste occurring from the different land based classifications, the characteristics of waste generated from the different land uses and the services to be provided under the solid waste management and recycling systems.

C. It is prudent and advisable, and in the best interests of the citizens of the County, to designate the entirety of the County, both incorporated and unincorporated, as the County's Solid Waste Service Area.

Section 3. Designation of Solid Waste Service Area. The entirety of Sedgwick County, Kansas, both incorporated and unincorporated, is hereby designated as the County's Solid Waste Service Area.

Section 4. Annual Fees. The following annual fees and charges are hereby imposed and levied upon all Persons Receiving Service and upon all Residential Property and Nonresidential Improved Property within the County's Solid Waste Service Area. Fees to be charged for each property within the various classifications and the classifications of real property within the County's Solid Waste Service Area are hereby determined as follows:

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|--|----------------------------------|
| 1. Residential property, for each Dwelling Unit,   | \$6.48                           |
| 2. Nonresidential Improved Property, by land based classification standards as set forth in Exhibit A attached to this resolution: |                                  |
| Tier 1 -   | \$4.46                           |
| Tier 2 -   | \$5.94                           |
| Tier 3 -   | \$7.43                           |
| Tier 4 -   | \$8.91                           |
| Tier 5 -   | \$5.94 x number of tenant spaces |

Section 5. Basis for Determination of Fees. In establishing the fee schedule set forth in this resolution, the Board has considered the various uses to which real property designated within the schedule is put, the volume of solid waste occurring from the different land uses, the types of waste generated by the various classifications of real property within the schedule and the benefits to be received through the provision of solid waste services.

Section 6. Use of Fees Generated. All fees generated and collected pursuant to this resolution shall be used (a) for the development and management of solid waste processing, disposal services, and recycling programs (b) for development and operation of reclamation facilities and services for household hazardous materials within the solid waste service area and (c) to do all other things necessary for a proper effective solid waste system.

Section 7. Collection of Fees. All fees implemented and established pursuant to this resolution shall be collected on a yearly basis by billing the fee on the ad valorem property tax statement issued to the owner of the affected property, or by separate billing where no separate ad valorem tax statement would be sent to the owner of the subject real property within the solid waste service area.

Section 8. Collection of Delinquent Fees. Any fees implemented and charged pursuant to this resolution which remain unpaid for a period of 60 or more days after the date after which they were billed may be collected thereafter by the County in the following manner:

(a) At least once a year, the Board shall cause to be prepared a report of delinquent fees. The Board shall fix a time, date and place for hearing the report and any objections or protests thereto.

(b) The Board shall cause notice of the hearing to be mailed to the property owners listed on the report not less than ten days prior to the date of the hearing.

(c) At the hearing, the Board shall hear any objections or protests of property owners liable to be assessed for delinquent fees. The Board may make such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

(d) The delinquent fees set forth in the report as confirmed shall constitute assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent fees. A certified copy of the confirmed report shall be filed with the County Clerk for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recording in the office of the County Clerk of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected and shall be subject to the same penalties in the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection and enforcement of County ad valorem property taxes shall be applicable to such assessment.

Section 9. Effective Date. The fees set forth in this resolution shall be effective from and after July 1, 2013. The billing for the fees shall be rendered with the ad valorem tax statements issued on or after November 1, 2014.

Commissioners present and voting were:

DAVID M. UNRUH \_\_\_\_\_  
TIM R. NORTON \_\_\_\_\_  
KARL PETERJOHN \_\_\_\_\_  
RICHARD RANZAU \_\_\_\_\_  
JAMES B. SKELTON \_\_\_\_\_

Dated this \_\_\_\_\_ day of June, 2013.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:


\_\_\_\_\_  
JAMES B. SKELTON, Chairman, Fifth District

\_\_\_\_\_  
KELLY B. ARNOLD,  
County Clerk

\_\_\_\_\_  
DAVID M. UNRUH, Chair Pro Tem, First District

APPROVED AS TO FORM:

\_\_\_\_\_  
TIM R. NORTON, Commissioner, Second District

  
\_\_\_\_\_  
RICHARD A. EUSON  
County Counselor

\_\_\_\_\_  
KARL PETERJOHN, Commissioner, Third District

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RICHARD RANZAU, Commissioner, Fourth District