

Unified Franchise Agreement Delinquent Accounts Appeal Process

Monterey County Environmental Health

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Board Of Supervisors Update

On July 1, 2025, the Board conducted a Public Hearing regarding the collection of delinquent solid waste accounts from the years 2023 and 2024 via a special assessment. Following this hearing, the Board requested the item return with additional information and clarifications prior to acting on the special assessment.

Accordingly, as part today's presentation, EHB will:

1. confirm that the deadline for contesting/appealing invoices has been extended to July 25th, and
2. explain the process for contesting/appealing invoices, including the County's secondary level of review of those findings and determinations.

In response to community concerns and public testimony, County staff are available to:

- Clarify and explain the appeal and dispute process.
- Explain to process relative to specific concerns received during public input.
- Outline next steps and Board actions for confirming or revising the delinquency report.

Background-How We Got Here

- **Mandatory Garbage Service:** In 2010, the Board adopted an ordinance requiring garbage service in the unincorporated Monterey County.
 - This was to protect public health and safety, to prevent illegal dumping, and to ensure the costs of service were spread such that the operation was feasible.
- Solid waste service is required, regardless of tenancy or who generates the waste, and accounts are tied to parcels, i.e. the real property.
- Why were delinquent account notices regarding special assessments sent out?
 - Certain account holders were not paying their bills, which in 2021, 2022 and 2023 had resulted in other County residents having to shoulder those unpaid costs, i.e. pay higher rates.
 - This past year, the Board entered into a new Unified Franchise Agreement for Solid Waste collection services with Waste Management. Under the revised agreement, and in accordance with California law, unpaid accounts are collected using a to special assessment which includes notification, a dispute resolution process, and a public hearing.
- **Public and Board Comments:** At the public hearing, Supervisors and members of the public raised concerns about the process and potential discrepancies.

Updated Appeal Deadline

- New Deadline: **Friday, July 25, 2025 by 5:00 PM (Close of Business)**
- How to Submit an Appeal:
 - Email: wmcmcsa@wm.com
 - Phone: 831-796-2263 (Waste Management Customer Support)
 - Visit the office: 11240 Commercial Parkway, Castroville, Monday-Friday, 9 am -4 pm
 - Include all relevant documentation and a thorough written explanation of any the reasons for the appeal, or the charges which are contested
 - We Understand: Every situation is unique. We're here to work with property owners.

Dispute Review Process-What Happens to Your Appeal

- Step 1: Waste Management Initial Review and Findings
 - Following submission of the appeal, Waste Management promptly reviews the appeal and the underlying documentation. Following this review and investigation, Waste Management provides a written response that explains the basis for denying, or upholding the appeal, in whole or in part.
 - If an account was billed incorrectly or a mistake is confirmed, the fee is removed.
- Step 2: County Environmental Health Review
 - Following this, County staff independently review the appeal and supporting documentation, along with Waste Management's written determination and any relevant records for accuracy and fairness.
 - Ensures accountability and gives the benefit of doubt where appropriate.
 - Finalizes the report for special assessment.

Transparency and Accountability: This dual review structure with documentation provides transparency and accountability, as noted in Board concerns and community input.

After the July 25th Appeal Deadline: Special Assessment

- If **no appeal is submitted** or if the appeal **confirms the charge**, the unpaid fee will become a **special assessment** on the property's 2025-26 tax bill.
- If a **mistake is discovered later**:
 - Waste Management, under oversight from the County, will refund any overcharge.
 - County staff will provide **follow-up confirmation in writing** to affected property owners.

County's Role and Oversight

- Environmental Health Bureau responsibilities:
 - Submit a final report of delinquent accounts.
 - Adjust or remove fees based on validated appeals.
- Commitment to the Public:
 - Transparency in process.
 - Impartial review of each appeal.
 - Responsiveness to all concerns raised.

Responsibilities of the Property Owner

- Stay Current: Solid waste service is mandatory by ordinance.
- Know Your Property: If you're a landlord, monitor tenant account status and respond to WM notices.
- Take Action Early: Communicate with Waste Management to avoid escalation.

Resources and Help

- Visit Us Online:
 - County Environmental Health Website: www.mtyhd.org/EH
- Contact Waste Management: wmcmcsa@wm.com | 831-796-2263
- Visit the office: 11240 Commercial Parkway, Castroville, Monday-Friday, 9 am -4 pm
- We're committed to helping you navigate this process.

Recommendation

- Today's Recommended Action:
 - Confirm the report of delinquent solid waste hauling fees for the unincorporated area as identified in the “Report of 2023-2024 Delinquent Waste Hauling Fees in the Unincorporated Area” (attached hereto), allowing for any revisions/reductions following conclusion of the dispute resolution process; and
 - Authorize the delinquent solid waste hauling fees, as set forth in the confirmed report and following conclusion of the dispute resolution process, to constitute special assessments against the respective parcels of land to be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected; and
 - Authorize the Clerk of the Board to file a certified copy of the final report with the Auditor-Controller; and
 - Direct staff to continue working with WM to correct errors and resolve post-submission issues as needed; and
 - Provide direction as needed

We welcome your feedback and direction. We appreciate the Board's and public's patience as we work through this important issue with fairness and transparency.

Questions and Discussion