ORDINANCE NO. 1496

AN ORDINANCE REPEALING ARTICLE XII
OF CHAPTER 11 AND ADDING A NEW ARTICLE
XII, OF CHAPTER 11 OF THE SOLANO COUNTY
CODE, ENTITLED BUSINESS LICENSE TAX
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The Board of Supervisors of the County of Solano, State of
California, does ordain as follows:

SECTION I.

Article XII of Chapter 11 of the Solano County Code, entitled
Business License Tax, is hereby repealed, and a new Article XII is
added to read as follows:

CHAPTER 11.

Article XII. Business License Tax.

Sec. 11-160. Tax imposed.

Pursuant to the authority granted by Revenue and Taxation Code
§7284, there is established and imposed, commencing on the date
set forth in Sections 11-160 (a) through (c) of this Article, a
business license tax on those activities and in those amounts
specified herein below:

(a) Solid waste disposal at the base rate of FIVE
DOLLARS ($5.00) per ton of waste deposited at a licensed solid
waste disposal facility, which rate shall be reduced to THREE
DOLLARS ($3.00) per ton of waste deposited upon the occurrence of
the three conditions set forth in subsections (1) and (2) below, and
to remain at the THREE DOLLAR base rate until December 31,
2013, except for annual adjustments based upon the Bay Area
Economic Consumer Index (ECI), so long as the conditions set forth
in subsections (1) and (2) below are in effect.

(1) The Potrero Hills Landfill operator shall have
received all necessary approvals from the County, including a
Conditional Land Use Permit and a Marsh Development Permit, to
allow for the receipt of expanded tonnage and/or Potrero Hills and
B&J landfills reach an agreement for disposal of waste tonnage in
the County which are in excess of the current permitted limit at
Potrero Hills; and

(2) That the present exemption set forth under
Section 11-163(f)(2) of this code for placement of asbestos
materials in landfills, under the Solid Waste Mitigation Fee shall
be eliminated.

(b) Well drilling mud disposal at the base rate of
TWENTY CENTS ($0.20) per ton of well drilling mud deposited at a licensed drilling mud disposal facility, commencing on the effective date of this ordinance.

(c) Electrical energy produced by commercial wind turbine generators at the base rate of THREE ONE-THOUSANDTHS OF ONE CENT (0.003 CENTS) per kilowatt hour of electrical energy generated, commencing on the effective date of this ordinance.

Sec. 11-161. Purpose of tax.

This tax is enacted solely to raise revenue for general governmental purposes of the County and not for regulation. All of the proceeds from the tax imposed by this chapter shall be placed in the County's general fund and used for the usual current expenses of the County, howsoever incurred.

Sec. 11-162. Effect of other ordinances.

Persons required to pay a license tax for transacting and carrying on any business under this chapter shall not be relieved from the payment of any license fee for the privilege of doing such business required under any other ordinance of the County, and shall remain subject to the regulatory provisions of other ordinances.

Sec. 11-163. Definitions.

(a) **Commercial wind turbine generator** means a wind-driven machine that converts wind energy into production of electrical power for the primary purpose of resale or off-site use.

(b) **Drilling mud waste** means all drilling mud derived from the development and production of oil and natural gas wells.

(c) **Kilowatt hours (kwh)** means a measurement of electrical energy produced by commercial wind turbine generators in kilowatts per hour.

(d) **Licensed drilling mud waste disposal facility** means any facility or location where disposal of drilling mud occurs and is permitted by the local land use authority which has permit authority over the use, location or operation of the facility.

(e) **Licensed solid waste disposal facility** means any facility or location where disposal of solid waste occurs and is permitted by the local land use authority, local solid waste enforcement agency and any other agency which has permit authority over the use, location or operation of the facility.

(f) **Solid waste:**

1. Means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes.
2. Does not include hazardous waste regulated under Chapter 6.5 (commencing with Section 25000) or low-level radioactive waste regulated under Chapter 7.6 (commencing with Section 25800) of Division 20 of the Health and Safety Code.

3. Does not include medical waste which is regulated pursuant to the Medical Waste Management Act (Chapter 6.1, commencing with Section 25015, of Division 20 of the Health and Safety Code), provided that the medical waste, whether treated or untreated, is not disposed of at a solid waste disposal facility. Medical waste which has been treated and which is deemed to be solid waste shall be regulated pursuant to this ordinance.

4. Does not include drilling mud derived from the development and production of oil and gas wells.

5. Does not include materials which are recycled as defined by Section 40180 of the Public Resources Code.

(g) **Tonnage** means the difference between the total weight of the solid waste or drilling mud received (measured in pounds) and the total weight diverted for recycling (measured in pounds) divided by two thousand (2,000).

(h) **Wind Energy Generation Facility** means an installation of one or more commercial wind turbine generators.

Sec. 11-164. Reporting of tonnage or kilowatt hours.

For purposes of determining the net tonnage deposited for computation of the tax, each licensed Solid Waste Facility or Drilling Mud Facility shall make monthly reports of net tonnage to the Solano County Department of Environmental Management by the twenty-fifth day of the of the following month. The Department of Environmental Management shall verify the reports and submit the data to the Solano County Tax Collector.

For purposes of determining the electrical energy produced for computation of the wind energy tax, each Wind Energy Generation Facility shall make monthly report of the kilowatt hours of energy produced by the facility to the Solano County Department of Environmental Management by the twenty-fifth day of the following month. The Department of Environmental Management shall verify the reports and submit the data to the Solano County Tax Collector.

Sec. 11-165. Payment of tax.

The Solano County Tax Collector shall issue a quarterly tax bill beginning with the period commencing July 1, 1993, to each licensed Solid Waste Facility, and commencing January 1, 1995 to each licensed Drilling Mud Disposal Facility and Wind Energy Generation Facility, which shall be due and payable to the Solano County Tax Collector upon receipt and delinquent at the end of the month following the month issued.

Sec. 11-166. Penalty for delinquency.

A ten percent (10%) penalty shall be assessed on any tax not paid by the delinquent date.

Any licensed facility not current in its payment of taxes
pursuant to this Chapter at the time of the annual renewal of its Solano County Business license issued pursuant to Chapter 14 of the Solano County Code may be denied a license renewal until all taxes and penalties are paid.

SECTION II.

Pursuant to provisions of Government Code Section 25124(b)(1), a Summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a Summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the FAIRFIELD DAILY REPUBLIC, a newspaper of general circulation, printed and published in the County of Solano, State of California, and the Ordinance shall be in full force and effect THIRTY (30) DAYS after its passage.

A certified copy of the full text of the proposed Ordinance shall be posted in the office of the Clerk of the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the final Ordinance shall be posted in the office of the Clerk of the Board of Supervisors within FIFTEEN (15) DAYS after adoption of the Ordinance, and the posting shall include the vote of the Supervisors for or against the Ordinance.

ATTEST:

WILLIAM J. CARRAUL, Chairman of the Board of Supervisors

LINDA L. TERRA, Clerk of the Board of Supervisors

I, LINDA TERRA, Clerk of the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held this 4th day of October, 1994.
A. On the motion of Supervisor Caddle and the second of Supervisors Thomson, that portion of the foregoing Ordinance pertaining to a fee for the disposal of solid waste was adopted at a regular meeting of said Board on the 25th day of October, 1994, by the following vote:

AYES: SUPERVISORS: Caddle, Thomson and Chairman Carroll

NOES: SUPERVISORS: None

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: None

WITNESS my hand and the Seal of said Board this 25th day of October, 1994.

B. On the motion of Supervisor Schlenker, and the second of Supervisor Kondylis, that portion of the foregoing ordinance pertaining to a fee for the disposal of drilling muds and for wind generated power was adopted at a regular meeting of said Board on the 25th day of October, 1994, by the following vote:

AYES: SUPERVISORS: Caddle, Kondylis, Schlenker, Thomson and Chairman Carroll

NOES: SUPERVISORS: None

ABSTAINED: SUPERVISORS: None

ABSENT: SUPERVISORS: None

WITNESS my hand and the Seal of said Board this 25th day of October, 1994.

LINDA L. TERRA, Clerk of the Board of Supervisors

By Linda L. Terra