

# **Attachment A**

ORDINANCE NO. \_\_\_\_\_

AN URGENCY ORDINANCE OF THE COUNTY OF SANTA BARBARA TO AUTHORIZE A NEW TIP FEE OF \$55/TON AT TAJIGUAS LANDFILL FOR MIXED LOADS OF DIRT, ROCKS AND TREES, TO MITIGATE CURRENT AND IMMEDIATE THREATS TO LIFE, PUBLIC HEALTH, WELFARE AND SAFETY BY EXPEDITING ACTIONS TO CLEAR RESIDENTIAL DEBRIS.

The Board of Supervisors of the County of Santa Barbara hereby ordains as follows:

**SECTION 1, Emergency Findings.** This urgency ordinance is adopted pursuant to California Government Code Sections 25123(d), 25131 and 66017 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors. The Board of Supervisors finds that this ordinance is necessary for the immediate preservation of the public peace, life, public health, welfare and safety, based upon the following declaration of facts constituting the urgency:

1. The Thomas Fire burned the major watersheds in the Montecito and Carpinteria areas from the Santa Barbara/Ventura County line and caused massive burn scars, exacerbating the potential this winter for more mud and debris flows to occur quickly and with little, if any, time to evacuate;
2. Further details about these emergencies are included in the January 8, 2018 Local Declaration of Emergency, December 5, 2017 State of Emergency Declaration by Governor Brown (amended to add Santa Barbara County on December 7, 2017), January 12, 2018 Executive Order B-46-18 by Governor Brown, and the December 8, 2017 Presidential Declaration of Emergency by President Trump;
3. The January Storm caused dangerous flash flooding, erosion, and substantial mud and debris flows throughout the burn scar areas, forcing the evacuation of residents;
4. The mud and debris flows have caused fatalities, damaged critical infrastructure, destroyed homes, and forced the closure of major highways and local roads, including Highway 101;
5. While the 11 debris basins worked, and were highly effective, they were overwhelmed by the enormous amount of debris (rocks, sediment, and trees);
6. The County has worked to clear debris basins and creek channels and continues to prepare for any future rain events;
7. However, there continues to be an increased risk to the Montecito community due to the mixed dirt, rock and trees located on private residential property deposited by the debris flows;
8. On March 20, 2018 the Board adopted the Tip Fee for Debris Disposal at Tajiguas Landfill for Debris Resulting from the Thomas Fire and Debris Disposal Flows – Urgency Ordinance due to the immediate need to expedite removal of private residential debris to avoid remobilization during another rain event and consequent impacts to stream channels, debris basins, public infrastructure and private property;
9. On April 10, 2018 the Board adopted a 30 day extension to the original Tip Fee for Debris Disposal at Tajiguas Landfill for Debris Resulting from the Thomas Fire and Debris Flows – Urgency Ordinance;

10. This ordinance would extend the original Tip Fee for Debris Disposal at Tajiguas Landfill for Debris Resulting from the Thomas Fire and Debris Flows – Urgency Ordinance for an additional 30 days due to the continued need to expedite removal of private residential debris to avoid remobilization during another rain event and consequent impacts to stream channels, debris basins, public infrastructure and private property and provide the additional time needed to develop long-term solutions for this type of activity;
11. The mixed loads of dirt, rock and trees resulting from the Thomas Fire and debris flow qualifies for a new tip fee of \$55 per ton because the material by its nature is not required to be landfilled. The cost to minimally process and reuse the material on or off site costs less than the current landfill tip fee of \$99.00;
12. Although the mixed loads of dirt, rock and trees resulting from the Thomas Fire and debris flows precipitated the proposal of this new tip fee of \$55 per ton, all mixed loads of dirt, rock and trees from any location will be charged the same tip fee;
13. The Tajiguas Landfill has limited capacity, and the County of Santa Barbara has been working with and continues to work with the State of California through CalEPA and CalRecycle to expand the landfill capacity for debris from this emergency;
14. Due to a shortage of other available debris disposal sites and due to the distance of these other sites, and to discourage illegal grading, dumping or other potential code violations of this material it has been determined that it is necessary to take private residential mixed loads of dirt, rock and trees at the Tajiguas Landfill for processing. The processed dirt and rock will be added to an onsite stockpile and not in the landfill. Wood will be chipped and incorporated into the existing mulch distribution program;
15. The proposed new \$55 per ton tip fee is reasonable and provides full cost recovery;
16. The Board of Supervisors finds that the benefits granted by this urgency ordinance are in the best interest of the County, and serve the public purpose during this declared emergency because the \$55/ton tip fee is full cost recovery for sorting and temporary storage of this type of debris; and
17. The emergency authorities provided in Section 2, below, are in addition to and not in restraint of other emergency powers held by the County Executive Officer, the County Public Works Director, or the County Road Commissioner.

## **SECTION 2.**

- A. – New Tip Fee.** The tip fee at the Tajiguas Landfill for loads of mixed dirt, rock and trees will be \$55 per ton.
- B. – Effective Date.** Section 2 shall remain in effect and operative for 30 days unless extended or renewed.

**SECTION 3, Publication.** Before the expiration of 15 days after passage of this urgency ordinance, a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara in compliance with Government Code Section 25124.

**SECTION 4, Severability.** If any provision of this urgency ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions of

this urgency ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this urgency ordinance are severable. The Board of Supervisors hereby declares that it would have adopted this urgency ordinance irrespective of the invalidity of any particular portion thereof.

**SECTION 5, Effective Date.** This urgency ordinance shall take effect and be in full force immediately upon adoption by at least a four-fifths vote of the Board of Supervisors pursuant to Government Code Sections 25123 and 66017 and shall remain in effect for 30 days.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 8<sup>th</sup> day of May 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

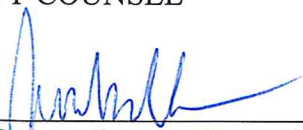
ABSENT:

\_\_\_\_\_  
DAS WILLIAMS, CHAIR  
BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA

ATTEST:  
MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

By  \_\_\_\_\_  
Deputy County Counsel