AGENDA

Meeting Type:	S
Date:	12-15-1992
CITY COUNTY SCHOOL BOARD MEETING	

City of Charlotte, City Clerk's Office

Joint City - County - Sch Bd Meeting
12-15-92

Mayor Vincent
Wendell White
Ann Hammond
Wheeler
Scarborough
Majors
Reid
Martin

Parks Helms
Jerry Fox
Edna Chirico
Doug Booth
Ann Schrader
Patsy Kinsey
Fountain Odom
Lloyd Shea
Susan Burgess
SHARON BYRAM
WILLIAM RAND

Mayor - call to order 12:20
Doug Booth - invocation
Mayor
Byrd Cauble - presentation for City
Mayor
Parks Helms - presentation for County
Mayor
Fountain Odom
Mayor
Martin
Odom
Mayor
Susan Burgess

Wardwright
Burgess
Scar
Burgess
Martin
Burgess per mediation
Martin
Burgess go-ut 9 light
Martin
Burgess
Mayor next item Gov. Ct. Parking
Borgsdorf
Mayor change Fb 15 to Feb 16
Helms real Doomed } fence out
Booth who is the
Dick Black
Mayor
Mayor - ideal situation to encourage bus ridership - shuttle
Scar
Scher corporate owned parking spots
Mayor
White identify a major problem assign to the liaison committee
Schr first time?

White

Mayor

Booth

Hammond — 1 piece of info we need

Sches — full time question again

Fox — some have to be P-S

maybe others can flex

Scar — May want to provide more flex

Mayor — planning — liaison Comm.

Booth

Mayor

White

Mayor

Reid

Mayor

Fox — provide parking based on ratio of square footage = Adelaide, Australia — pedestrian Downtown

Mayor

White

Mayor

Susan Burgess - Compelling presentation

Ch. Jim Horton

too important

Mayor — Adjourned 1 45 pm

Brenda Freeze

CHARLOTTE

MEMORANDUM

RECEIVED
DEC 10 1992
OFFICE OF CITY CLERK

DATE: December 9, 1992

TO: City Council
County Commission
Board of Education
Mecklenburg Delegation

FROM: Mayor Richard Vinroot

SUBJECT: December 15 Joint Luncheon

City Council and I will be hosting our next joint luncheon on Tuesday, December 15, 12 - 2 p.m. in the second floor conference center in the Government Center. We have enclosed the agenda and the dates of luncheons scheduled for 1993.

We look forward to seeing you on the 15th.

cc Wendell White
Jerry Fox
John Murphy

Office of the Mayor 600 East Fourth Street Charlotte, NC 28202-2839 704/336-2244

CHARLOTTE

City Council/Board of County Commissioners/Board of Education
Joint Luncheon

Noon
December 15, 1992

Conference Center
Government Center

Agenda

- City/County/Schools legislative programs
- Government Center area parking

1993 Joint Luncheon Schedule

February ~~15~~ 16	- Board of Education hosts
April 20	- County Commission hosts
June 15	- City Council hosts
August 17	- Board of Education hosts
October 19	- County Commission hosts
December 21	- City Council hosts

Office of the Mayor 600 East Fourth Street Charlotte, NC 28202-2839 704/336-2244

1993 Proposed Legislative Package
City of Charlotte
October 29, 1993

I. Police Department

A. Warrantless arrests on school grounds. Currently officers must investigate reported misdemeanors that occur on school grounds outside the officers' presence and then obtain arrest warrants from a Magistrate before they can take the suspect into custody. This has created numerous problems with the public schools and with resource officers. It appears that justice is not well served and is certainly slower than what we would prefer. This item was requested of the Mecklenburg Delegation during the last short session, but was unable to be approved during the abbreviated session.

B. Exempt search warrant affidavit and application from the Public Information Act for a limited period of time (48 hours). Currently, once an officer has received a search warrant from a Magistrate, the application for the search warrant is public record and available to the media and others. In some cases, the press has actually alerted the subject of the search warrant prior to officers arriving at the subject's residence. The Police Department is requesting that this information not be made available to the public for 48 hours, therefore eliminating the potential for the destruction of evidence necessary for building criminal cases against individuals under investigation.

II. Community Development

A. Requirement for licensed contractor increased from $30,000 to $45,000 for Community Development projects. Recently the legislature decreased the project cost which requires a licensed contractor from $45,000 to $30,000. This has caused undue problems with the Community Development Department since at least 50% of their rehabilitation projects are between $30,000 and $40,000. Furthermore, many MWBE firms and small businesses are excluded from doing work for Community Development because of the licensing requirement. The Community Development Department has inspectors supervising the work for these contractors and does not give the contractors advances but rather pays according to the amount of satisfactorily completed work. For these reasons, we believe the $45,000 limit for licensed contractors should be reinstated.

B. Authorize the Housing Appeals Board to approve In Rem demolitions and repairs instead of submitting each case to City Council. This is a measure which some Councilmembers and City staff have suggested as a means for speeding up the

No. 1

In Rem process. The Council would still be the final appeal for individuals contesting the Housing Appeals Board Ruling.

C. ✓Increase the City Manager's authority to sell or acquire real estate from $10,000 to $50,000. This authority should facilitate the acquisition and disposition of property for affordable housing. A summary of all transactions will be forwarded to Council for their information.

III. Purchasing Changes

A. ✓Increase the sealed bid limit from $30,000 to $50,000. Mecklenburg County currently has a $50,000 limit for bidding informal contracts. Making Charlotte's limit the same as Mecklenburg's will create a uniform purchasing process and reduce the workload on the Purchasing Department.

B. ✓Authorize the acquisition of materials, equipment, and supplies through the Request for Proposals process (RFP). The RFP process is the most practical way to acquire complicated and technically advanced equipment such as the LAN computer system, electronic telephone, and the 800 megahertz (MHz) trunk systems. The American Bar Association model procurement code would allow the City to use the RFP process. Currently, we are limited to acquiring only professional services through this process. The award of a contract would depend upon the price and response to the evaluation factors set forth in the RFP.

C. ✓ Bid Deposits. The State requirement for a 5% bid deposit on all bids in excess of $100,000 is restrictive for MWBEs and small businesses. The Purchasing Director is proposing to waive the bid deposit whenever, in his judgement, the bidder is qualified and does not have any past experience of nonperformance. The bids are also cheaper since the cost of the bid bond is passed along to the City.

D. ✓ Raise the limit for disposal of property through private negotiations from $5,000 to $20,000.

E. ✓Raise the limit for the requirement to advertise items to be sold at private sales from $5,000 to $20,000.

IV. ✓Geographical Information System. The City Engineering Department is requesting that the GIS mapping data base be exempt from public record laws.✓)This will allow the City to recoup a portion of the initial expensive costs associated with inputting data into computer disks. This information could be sold to the public for a price in excess of the cost of the disk and associated reproduction costs. This bill has been approved for Catawba, Lincoln, Brunswick, and Johnston counties and towns within those counties.

To whoever does these minutes:

Something happened to the first tape during this meeting and it cut off after only a few minutes. I turned it over, but it cut off again, and then I could not get it out of the machine; it was jammed tight. By the time I got it out, Parks Helms was talking about the County's legislative items. I think it will be OK if you just do the minutes as follows: Mayor opens meeting, calls on Doug Booth for invocation, introduces Boyd Cauble who presents the City's legislative package. (You can just list the items Boyd talked about from the handout). Mayor thanks Cauble, calls on Parks Helms who presents the County's legislative package (tape picks up then) - - the County's items are listed on the first page of the handout from them.

Let me know if this doesn't make sense.

Nancy

GOVERNMENT CENTER PARKING SPACES

FACILITIES		CURRENT SPACES		FUTURE SPACES
CMGC Deck		1,000		1,000
CMGC (Under Plaza)		22		22
Government Plaza Deck		697		697
Old City Hall		12		12
Courthouse Deck		455		455
Intake Center		9		9
Criminal/Civil Courts		19		19
Education Center		371		371
	Sub-Total	2,585		2,585
"Old" Jail		56		0
"Old" LEC		137		0
	Current Total	2,778		2,585
"New" Jail		0		30
"New" LEC		0		246
	Current Total	2,778	Future Total	2,861
			Net New Spaces	83

GOVERNMENT CENTER
BUILDING SQUARE FOOTAGE

FACILITIES	CURRENT SQUARE FOOTAGE		FUTURE SQUARE FOOTAGE
Government Center	386,012		386,012
Old City Hall	46,560		46,560
Old County Courthouse	65,896		65,896
Criminal Courts	97,313		127,313
County Courthouse	94,781		94,781
County Office Building	98,262		98,262
Education Center	77,779		77,779
Sub-Total	866,603		896,603
Jail	58,220		400,000
LEC	77,891		125,000
Current Total	1,002,714	Future Total	1,421,603
		Net New Square Footage	418,889

GOVERNMENT CENTER
PARKING ISSUES

- Ratio of net new parking spaces (83) to net new building square footage (418,889).
- The County plans to use the Government Plaza Deck (McDowell Street) to met the parking needs of the new jail (approximately 400 spaces). The jail will be completed and in operation before the new LEC is ready for occupancy in late 1995.
- The Governmental Plaza Deck is currently providing free parking for 290 CMGC and City Hall employees.
- 103 spaces will be lost from the basement of the LEC during construction of the jail.
- The need for an additional 245 spaces to meet the minimum operational requirements of the new LEC.
- LEC staff parking needs of 797 spaces.
- The increased number (200 for Jail and 100 for LEC) of workers in the Government Center area during construction of the jail and LEC.
- The 219 public spaces in the CMGC Deck accommodates approximately 700 parkers per day.
- 120 County/State employees on waiting list for the Courthouse Deck. Deck full before 8:00 a.m.
- 25 County/State employees on waiting list for CMGC Deck.
- Court system averages 125 jurors per day (only 205 spaces for the public in the Courthouse Deck).
- Currently, approximately 350 Parkers per day use the four separate parking lots on the new LEC block, the main business generators being the CMGC and the Courts.
- Currently, the CMGC Parking Deck is being used to its maximum effectiveness. Any additional demands will create problems that the facility will not be able to handle.

Charlotte-Mecklenburg Schools
Post Office Box 30035
Charlotte North Carolina 28230
Telephone (704) 379 7000

John A Murphy
Superintendent

Proposed Legislative Goals
Charlotte-Mecklenburg School Board

I. Teachers Salaries

- North Carolina teachers fall in the third quartile when compared to teacher salaries in other states across the nation.

- If we are to attract the best and the brightest teachers to serve our children, we must offer a reward system that is competitive with other states in the nation and a system of remuneration that is commensurate with the quality of services they provide.

- Charlotte-Mecklenburg School district supports a differentiated salary schedule which rewards teachers and administrators on the basis of performance as determined by student outcomes.

- Consideration should be given to the feasibility of converting teaching positions from a ten to a twelve month occupation.

II. Flexibility

- In an era that recognizes the need for major reform in education, efforts in this regard are severely handicapped by a highly centralized, bureaucratic system that offers limited flexibility to local school systems.

- If local districts are to meet their educational goals, they must be permitted to determine how best to design their systems and allocate resources to meet the needs of their client group.

- A number of state regulations and procedures currently serve as barriers to needed reform efforts at the local level.

- Block grants and/or the collapsing of line items would allow local districts the opportunity to restructure their systems more effectively.

- Commensurate with the added degrees of freedom, the state should then hold school districts accountable for the consequences of their decisions.

III. Early Childhood Intervention

- Need to respond to the growing menace related to drug and alcohol abuse, physical abuse, malnutrition and the lack of caring, learning environments that handicap an increasing number of our preschool population in North Carolina.

- Need to coordinate more effectively, the social, health and educational services for our children.

- Need comprehensive early childhood polices that attended to the needs of our preschool children in the areas of health, childcare and early education.

- Need to support legislation that provides for more effective social services which lead towards the prevention of societal problems that currently require remedial programs that are costly - and often ineffective because of the lateness of the intervention.

IV. Transportation

- For those school systems employing the Magnet School concept as a more acceptable alternative to forced busing, the current formula for arriving at transportation costs is inappropriate.

- Need to equitably compensate, those districts which adopt the magnet school approach.

V. Technology

- If the graduates of our public school systems are to remain competitive with their peers across the globe, it is essential that they are skilled in the use of state of the art technology.

- A high priority must be placed upon providing our youth with the opportunity to develop those skills and understandings necessary to function effectively in the Age of Technology.

1993

Legislative Package
Mecklenburg County
Government

Board of County Commissioners

Parks Helms, *Chairman*
Patsy Kinsey, *Vice Chairman*
Doug Booth
Edna Chirico
Ann Schrader
Lloyd Scher
Bob Walton

Jerry Fox, *County Manager*
Mary Carmiha, *Administrative Officer / Legislative Liaison*, 336-2647

MECKLENBURG COUNTY

Board of County Commissioners

Proposed 1993 Mecklenburg Legislative Packet

Following is legislation proposed for Mecklenburg County by various County departments.

Proposed Legislation includes:

I. Qualified exemption for certain GIS.

II. Increase in Food and Lodging fee to NCDEHNR.

III. Use of electronic "original" for hospitals.

IV. Allow Park Ranger to act as Peace Officer upon request.

V. Allow warrantless arrests on school grounds.

VI. Exempt search warrant affidavit and application from the Public Information Act for 48 hours.

VII. Establish a 10% surcharge on guns and ammunition.

VIII. Establish a "cost of arrest and processing" fee for those persons arrested and found guilty.

IX. Authorize counties to charge solid waste generator fees and to clarify the authority of counties to charge license fees and franchise fees for solid waste collection and disposal activities.

(8-1.27)

600 East Fourth Street • P.O Box 31787 • Charlotte, North Carolina 28231 • (704) 336-2472

AN ACT TO AMEND CHAPTER 285 OF THE 1991 SESSION LAWS: AN ACT MAKING A QUALIFIED EXCEPTION FROM THE PUBLIC RECORDS ACT FOR CERTAIN GEOGRAPHICAL INFORMATION SYSTEMS. SECTION 2 OF THIS BILL SHOULD BE AMENDED TO INCLUDE THE CITY OF CHARLOTTE AND MECKLENBURG COUNTY.

INTENT AND REASON FOR NEED

This amendment is needed to protect the investment we are currently making in the City/County Geographic Information System. It will prevent a third party from using our data for value-added applications or from reselling the raw data. Currently two counties are included in Chapter 285, a copy of which is attached. The purpose of this request is to include the City of Charlotte and Mecklenburg County in Chapter 285.

POTENTIAL COST IMPLICATION

The only costs associated would be administrative, i.e., copying, etc. Potentially cost of copyrighting, if we would decide to pursue copyrighting. Costs undetermined at this time.

ADDITIONAL BACKGROUND INFORMATION

Inclusion under Chapter 285 would provide Mecklenburg County with protection from the misuse or negligent use of information produced by our GIS system.

SUPPORT/OPPOSITION

No opposition that we are aware of. City will be joining us in seeking this legislation. Part of the NCACC package.

Department Requesting: Data Processing
Contact Person(s)/Phone: Marsha Hinde 336-7017

(8-1.12)

GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION
RATIFIED BILL

CHAPTER 285
HOUSE BILL 356

AN ACT MAKING A QUALIFIED EXCEPTION FROM THE PUBLIC RECORDS ACT FOR CERTAIN GEOGRAPHICAL INFORMATION SYSTEMS.

The General Assembly of North Carolina enacts:

Section 1. Geographical information systems databases and data files developed and operated by counties and cities are public records within the meaning of Chapter 132 of the General Statutes. The county or city shall provide public access to such systems by public access terminals and other output devices. Upon request, the county or city shall furnish copies, in documentary or electronic form, to anyone requesting them at reasonable cost. As a condition of furnishing an electronic copy, whether on magnetic tape, magnetic disk, compact disk, or photo-optical device, a county or city may require that the person obtaining the copy agree in writing that the copy will not be resold or otherwise used for trade or commercial purposes. For purposes of this section, publication or broadcast by the news media shall not constitute a resale or use of the data for trade or commercial purposes.

Sec. 2. This act applies to Catawba and Lincoln Counties and the Cities of Conover, Hickory, Lincolnton, and Newton only.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 13th day of June, 1991.

JAMES C. GARDNER

James C. Gardner
President of the Senate

DANIEL BLUE, JR.

Daniel Blue, Jr.
Speaker of the House of Representatives

DATE: November 6, 1992

TO: Mary Carnilia, Administrative Officer

FROM: Marsha Hinde, Project Manager

SUBJ: Use and Application of House Bill 356

Per your request this AM, I have called Catawba and Lincoln Counties to determine the policies and procedures they have developed concerning the administration of House Bill 356. The following are brief summaries of information I received from these counties:

Lincoln County: Jay Heavner, Tax and GIS Administrator for Lincoln County, informed me that they have developed a policy which allows the county to recover costs for data contained in the GIS system. They have a formal cost methodology based upon information requested. This formula allows them to recover a portion of the cost for development of the system, which is consistent with the law. The only exception Lincoln County will make to this policy is providing this information at cost of reproduction to news sources, which is required by the law. Lincoln County believes they have no need to copy write this data. They interpret the law as having accomplished this by allowing for the recovery of part of the profit for value added applications.

Catawba County: Twila McDermott, GIS Administrator for Catawba County, informed me that they are in the process of developing a formal policy. They have not determined if they will provide this information to anyone other than the news at cost of reproduction. They are currently developing a cost recovery formula based upon information requested. They have no plans for copy writing this data.

As an aside, Lincoln County has a fully implemented GIS system; Catawba County is in process of developing their system.

Based upon this information, I believe this bill will allow the County Commissioners to set policy on public acquisition of this data. Given that most GIS systems are multi-million dollar projects, the commissioners would have the choice of strict application which would allow partial cost recovery of development of the system or the more moderate approach we discussed this AM. In either case, the inclusion of Mecklenbury County under this bill would protect our investment and allow us maximum flexibility in terms of public access of this information.

If you have any additional questions, please do not hesitate to call me at extension 7017.

DATE: November 6, 1992

TO: Mary Carnilia

FROM: Marsha Hinde

SUBJ: <u>GIS Disclaimer</u>

The following is the wording we use as a disclaimer on our GIS digital files.

> This data is prepared for the inventory of _____ within this jurisdiction and is compiled from recorded deeds, plats, tax maps and other public records and data. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained in this file. The County assumes no legal responsibility for the information contained herein.

Items which might be inserted in the blank are:

- real property
- the street network
- zoning polygons and special use permits
- jurisdictional boundaries
- townships

If you have any questions or need additional information, please give me a call at extension 7017.

DATE: August 21, 1992

TO: Richard Hobbs

FROM: Marsha Hinde

SUBJ: <u>GIS Disclaimer</u>

The following is the wording I would suggest you use as a disclaimer on your digital files. It is consistent with the language used by the North Carolina Land Records Management Program. I would use it a part of a letter to any person requesting this data.

> This data is prepared for the inventory of zoning polygons and special use permits within this jurisdiction and is compiled from recorded deeds, plats, tax maps and other public records and data. Users of this data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained in this file. The County assumes no legal responsibility for the information contained herein.

I would appreciate your consideration of sending the digital files to the Town of Davidson. I feel this language should protect you legally from any repercussions. You should retain for your files a hard copy of any disclaimer letter you mail to a requestor of your data.

If you have any questions or need additional information, please give me a call at extension 7017.

AN ACT TO AMEND NORTH CAROLINA GENERAL STATUTE 130A-248 TO STATE THAT ANY INCREASE TO THE ANNUAL FEE PAID BY FOOD AND LODGING FACILITIES (I.E., RESTAURANTS AND MOTELS) TO THE NCDEHNR (NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES) BE RETURNED TO THE COUNTY IN WHICH IT WAS GENERATED.

- The first $25.00 of the fee would be distributed in accordance with the current distribution formula used by NCDEHNR.
- Any increase would be returned to the county in which it was generated to offset the cost of services provided.

INTENT AND REASON FOR NEED

Title 15A NCAC (North Carolina Administrative Code), Subchapter 25, Section .0213 requires each local health department to provide a minimum frequency of inspection (generally one inspection every three months) for each of the facilities in its local jurisdiction. In Mecklenburg County, the 1800 facilities which have been designated to pay an annual fee require about eight full time EHS (Environmental Health Specialists) to provide inspections. The direct salary and fringe cost of eight EHS is $242,728 (based on a minimum salary and excluding all administrative and indirect costs).

Last year the NCDEHNR charged $25.00 per establishment, deducted the cost of administering a collection program, and distributed the remainder of the funds as outlined in 15A NCAC 18A, .2900. Using this distribution, the county received approximately $12,000 (about 5% of the cost of eight EHS).

POTENTIAL COST IMPLICATION

Mecklenburg County would recognize an increase of approximately $45,000 for every $25.00 fee increase.

$12,000	(Revenue using existing fee collection formula for first $25.00)
$45,000	(Additional revenue increase for each $25.00)
$57,000	

ADDITIONAL BACKGROUND INFORMATION

We have heard that the state plans to raise the restaurant inspection fee from $25.00 to $50.00 to pay for a centralized training program in Raleigh (currently this program is spread around the state--Charlotte is one location).

(continued)

SUPPORT/OPPOSITION
It is our understanding that the Restaurant Association is opposed to any increase; however, if the state is going to increase the fee, several members said they would support the return of these funds to the county from which they were generated.

We are being asked to amend this bill state-wide.

Department Requesting:	Health Department	
Contact Person(s)/Phone:	Bill Hardister	336-5533
	Bobby Cobb	336-5567

AN ACT TO CHANGE RULES AND STATUTES APPLYING TO THE LICENSING OF *HOSPITALS IN NORTH* CAROLINA SUBCHAPTER 3 C, . 1400 (1988) TO COVER THE CREATION OF AN ELECTRONIC "ORIGINAL," THE USE OF COMPUTERIZED SIGNATURES FOR AUTHENTICATION, AND LONG TERM STORAGE ON NON-ERASABLE OPTICAL AND ELECTRONIC IMAGING TECHNOLOGY AS ACCEPTABLE STORAGE MEDIA, ALONG WITH COMPUTER DISK, MAGNETIC TAPE, MICROFILM AND PAPER.

INTENT AND REASON FOR NEED

It is in the interest of better patient care and lower administrative costs that patient medical information be stored on computer instead of paper. This legislation would also help Mecklenburg County protect our investment in CISSAR (Client Information Service Support Accounts Receivable)

POTENTIAL COST IMPLICATION

Anticipated upfront costs for signature hardware, but anticipate savings in clinician time and administration. Exact costs not yet determined.

ADDITIONAL BACKGROUND INFORMATION

Seventeen states across the country have updated their state laws to allow for the use of an electronic "original," use of computerized signatures or long term electronic storage.

SUPPORT/OPPOSITION

State organizations that would be willing to give us support are the North Carolina Hospital Organization and the North Carolina Health Information Management Association.

We are being asked to amend this bill statewide.

Department Requesting: Area Mental Health
Contact Person(s)/Phone: Cheryl Kester-Hoffman 336-7149

(8-1.18)

AN ACT TO ALLOW THE PROVISION FOR MECKLENBURG COUNTY PARK RANGERS TO ACT AS SPECIAL PEACE OFFICERS TO ALLOW FOR LAW ENFORCEMENT JURISDICTION ON CITY-OWNED PROPERTY UPON REQUEST BY THE CITY OF CHARLOTTE.

INTENT AND REASON FOR NEED

If this legislation is enacted, it would provide Mecklenburg County Park Rangers with a permanent solution regarding both jurisdiction and continued additional employment opportunities.

POTENTIAL COST IMPLICATION

No additional cost to the county expected.

ADDITIONAL BACKGROUND INFORMATION

When City of Charlotte parks and Mecklenburg County parks consolidated in the spring of 1992, it was noted that City Park Rangers had authority as Special Peace Officers on City of Charlotte property upon request by the city (i.e., the Coliseum and Ovens Auditorium). At their July 27, 1992 meeting Charlotte City Council passed a motion to allow those City Park Rangers transferred to continue acting as Special Peace Officers through the end of the fiscal year upon request by the city.

SUPPORT/OPPOSITION

No opposition that we are aware of. We have been told the city will support this bill.

Department Requesting: Park and Recreation
Contact Person(s)/Phone: Wayne Weston 336-3854

AN ACT TO ALLOW WARRANTLESS ARRESTS ON SCHOOL GROUNDS.

INTENT AND REASON FOR NEED
Currently, officers must investigate reported misdemeanors that occur on school grounds outside the officers' presence and then obtain arrest warrants from a Magistrate before they can take the suspect into custody.

POTENTIAL COST IMPLICATION
Cost undetermined at this time.

ADDITIONAL BACKGROUND INFORMATION
This process has created numerous problems for the public schools and resource officers. It appears justice is not well served and is certainly slower than what we would prefer. This item was requested of the Mecklenburg Delegation during the Short Session, but was unable to be approved during the abbreviated session.

SUPPORT/OPPOSITION
It is our understanding that the City of Charlotte and the Charlotte-Mecklenburg Schools favor this proposed legislation.

Department Requesting:	Mecklenburg County Police Department	
Contact Person(s)/Phone:	Vic Orr	336-2357
	Ed Chapin	336-2746

AN ACT TO EXEMPT SEARCH WARRANT AFFIDAVIT AND APPLICATION FROM THE PUBLIC INFORMATION ACT FOR A LIMITED PERIOD OF TIME (48 HOURS).

INTENT AND REASON FOR NEED

Currently, once an officer has received a search warrant from a Magistrate, the application for the search is a public record and available to the media and others. The Police Department is requesting that this information not be made available to the public for 48 hours, therefore eliminating the potential for the destruction of evidence necessary for building criminal cases against individuals under investigation.

POTENTIAL COST IMPLICATION

No additional cost that we are aware of.

ADDITIONAL BACKGROUND INFORMATION

In a few cases, the press has actually alerted the subject of the search warrant prior to officers arriving at the subject's residence.

SUPPORT/OPPOSITION

We feel the media will oppose this legislation.

We are being asked to introduce this bill for Mecklenburg County and the City of Charlotte.

Department Requesting:	Mecklenburg County Police	
Contact Person(s)/Phone:	Vic Orr	336-2357
	Ed Chapin	336-2746

AN ACT TO

Establish a 10% surcharge on guns and ammunition.

INTENT AND REASON FOR NEED (SUMMARY)

Would provide additional revenue anti-crime programs.

POTENTIAL COST IMPLICATION

Cost of collection and enforcement undetermined at this time.

ADDITIONAL BACKGROUND INFORMATION

This would be in addition to Sales Tax and Federal Excise Tax.

DEPARTMENT REQUESTING: Commissioner-Elect
CONTACT PERSON: Lloyd Scher
CONTACT PHONE: 845-5016

Are we being asked to _X_ introduce or ___ support this bill? (If support, who is introducing?)

Is this for ___ Mecklenburg County or is it _X_ state-wide?

Are there any organizations/associations who may be in favor of this bill? (Please list.) Have they been contacted?

Are there any organizations/associations who may oppose this bill? (Please list.) Have they been contacted?

NRA - No

8-1.22

AN ACT TO

Establish a "cost of arrest and processing" for those persons arrested and found guilty.

INTENT AND REASON FOR NEED (SUMMARY)

Revenue to reimburse local government for police and intake processing.

POTENTIAL COST IMPLICATION

Would be similar to "cost of court." Estimated cost would most likely be greater than present cost of court.

ADDITIONAL BACKGROUND INFORMATION

Reimbursement is $5 for "police time."

DEPARTMENT REQUESTING: Commissioner-Elect
CONTACT PERSON: Lloyd Scher
CONTACT PHONE: 845-5016

Are we being asked to _X_ introduce or ___ support this bill? (If support, who is introducing?)

Is this for ___ Mecklenburg County or is it _X_ state-wide?

Are there any organizations/associations who may be in favor of this bill? (Please list.) Have they been contacted?

Are there any organizations/associations who may oppose this bill? (Please list.) Have they been contacted?

AN ACT TO AUTHORIZE COUNTIES TO CHARGE SOLID WASTE GENERATOR FEES AND TO CLARIFY THE AUTHORITY OF COUNTIES TO CHARGE LICENSE FEES AND FRANCHISE FEES FOR SOLID WASTE COLLECTION AND DISPOSAL ACTIVITIES

INTENT AND REASON FOR NEED (SUMMARY)

Counties need additional legislative authority to levy fees against properties where solid waste is generated and to charge fees to licensed and franchised haulers to recover a portion of the counties' costs of providing and operating solid waste services and facilities. Revenues generated would enable the counties to set tip fees at county-provided disposal facilities low enough to attract waste generated in the counties so as to enable the counties to implement their solid waste management plans and to achieve the State's waste stream reduction goals.

POTENTIAL COST IMPLICATION

Costs undetermined at this time.

ADDITIONAL BACKGROUND INFORMATION

The legislation proposed is consistent with legislation described in the "Mecklenburg County Plan To Obtain Control Over The Flow Of Solid Waste" approved by the Mecklenburg County Board of Commissioners on September 21, 1992, a copy of which is enclosed.

DEPARTMENT REQUESTING: Engineering
CONTACT PERSON: Cary Saul, Deputy Director of Engineering
CONTACT PHONE: 336-3725

Are we being asked to X introduce or ___ support this bill? (If support, who is introducing?)

Is this for ___ Mecklenburg County or is it X state-wide?

Are there any organizations/associations who may be in favor of this bill? (Please list.) Have they been contacted?
North Carolina Association of County Commissioners - Yes

Are there any organizations/associations who may oppose this bill? (Please list.) Have they been contacted?
Container Corporation of Carolina has indicated its opposition to the proposed bill Enclosed is a copy of its written statement. Other solid waste haulers, generators of solid waste, and the Chamber of Commerce may also have an interest in this bill. The County Manager has contacted the Chamber of Commerce. The Engineering Department sent the Plan To Obtain Control Over The Flow Of Solid Waste to all solid
6-1.8 waste haulers known to be operating in Mecklenburg County.

AN ACT TO AUTHORIZE COUNTIES TO CHARGE SOLID WASTE GENERATOR FEES AND TO CLARIFY THE AUTHORITY OF COUNTIES TO CHARGE LICENSE FEES AND FRANCHISE FEES FOR SOLID WASTE COLLECTION AND DISPOSAL ACTIVITIES

The General Assembly of North Carolina enacts:

Section 1: G.S. 153A-292 reads as rewritten:

§ 153A-292. County ~~collection and disposal~~ solid waste management services and facilities.

(a) The board of county commissioners of any county may establish and operate solid waste ~~collection and disposal~~ management services and facilities in areas outside the corporate limits of a city. The board may by ordinance regulate the use of ~~a disposal facility~~ solid waste management services and facilities provided by the county, the nature of the solid wastes disposed of in such ~~a facility~~ solid waste management facilities, and the method of disposal. The board may contract with any city, county, individual, or privately owned corporation to ~~collect and dispose of~~ provide and operate solid waste management services and facilities in the area. Counties and cities may establish and operate joint ~~collection and disposal~~ solid waste management services and facilities. A joint agreement shall be in writing and executed by the governing bodies of the participating units of local government.

(b) The board of county commissioners may ~~impose a fee for collection and disposal~~ establish, revise from time to time, and impose a schedule of solid waste generator rates, fees, charges and penalties on improved properties in the county to recover, in whole or in part, the county's costs

of providing and operating any or all of the following solid waste management services or facilities: collecting and hauling solid waste; providing solid waste management facilities; and operating solid waste management facilities. The county may not charge a fee on an improved property if the county does not make available to that property any solid waste management service or facility. THE/FEE/MAY/NOT EXCEED/THE/COSTS/OF/COLLECTION

Schedules of solid waste generator rates, fees, charges and penalties may vary according to the use of the improved property, the size of improvements placed on the property, and other factors which affect the amount and characteristics of solid waste generated by improved properties of that nature and size. Solid waste generator rates, fees, charges and penalties may be based on the combined costs of the different solid waste management services and facilities provided by the county. Solid waste generator rates, fees, charges and penalties in the aggregate may not exceed the county's cost of providing and operating the solid waste management services and facilities.

The board of county commissioners may impose a fee for the use of A/DISPOSAL/FACILITY solid waste management services or facilities provided by the county. The fee for use may not exceed the cost of providing and operating the FACILITY solid waste management services or facilities and may be imposed only on those who use the FACILITY solid

waste management service or facility. A county may not charge a fee for use of a solid waste management service or facility on solid waste collected from improved properties which have been charged a generator fee which covers the costs of providing or operating solid waste management services or facilities except to recover any costs of providing and operating such solid waste management services or facilities not covered by the generator fee. A county may not impose a fee or tax on a city or district or agency of the city or county or a contractor or tenant of the city or district which has adopted an ordinance which contains provisions consistent with this ordinance.

The board of county commissioners may impose a fee or tax on all improved property in the county which is not exempt from the tax or provide a property tax credit for a city or district which has adopted an ordinance which contains provisions consistent with this ordinance. The tax or fee shall be collected on a city or district tax roll or a city or district tax roll in the same manner as ad valorem taxes are collected by a county. The tax or fee shall be levied and collected on the basis of a charge for the use of the solid waste management service or facility. The tax or fee shall be levied and collected on the basis of a charge for the use of the solid waste management service or facility. The tax or fee shall be levied and collected on the basis of a charge for the use of the solid waste management service or facility.

the county and is not subject to a fee imposed by the county for a disposal facility provided by the county.

In determining the costs of providing and operating a *disposal facility* solid waste management services and facilities, a county may consider solid waste management costs incidental to a county's handling and disposal of solid waste at its *disposal facility* solid waste management facilities, including the costs of the methods of solid waste management specified in G.S. 130A-309.04(a) of the Solid Waste Management Act of 1989. *A fee for the availability of a disposal facility may be added on the combined costs of the three disposal facilities provided by the county.*

(c) The board of county commissioners may use any suitable vacant land owned by the county for the site of a disposal facility, subject to the permit requirements of Article 9 of Chapter 130A of the General Statutes. If the county does not own suitable vacant land for a disposal facility, it may acquire suitable land by purchase or condemnation. The board may erect a gate across a highway that leads directly to a disposal facility operated by the county. The gate may be erected at or in close proximity to the boundary of the disposal facility. The county shall pay the cost of erecting and maintaining the gate.

(d) As used in this section, 'solid waste', 'solid waste management', and 'solid waste management facility' shall have the definitions provided in G.S. 130A-290.

Sec. 2. G.S. 153A-136(a) reads as rewritten:

§ 153A-136. Regulation of solid wastes.

(a) A County may by ordinance regulate the storage, collection, transportation, use, disposal, and other disposition of solid wastes. Such an ordinance may:

(1) Regulate the activities of persons, firms, and corporations, both public and private.

(2) Require each person wishing to commercially collect or dispose of solid wastes to secure a license from the county and prohibit any person from commercially collecting or disposing of solid wastes without a license. A fee may be charged for a license. A license fee may be based upon factors such as the weight, volume or composition of solid waste collected or disposed of, or the gross revenues received by the licensee from his collection or disposal activities.

(3) Grant a franchise to one or more persons for the exclusive right to commercially collect or dispose of solid wastes within all or a defined portion of the county and prohibit any other person from commercially collecting or disposing of solid wastes in that area. The board of commissioners may set the terms of any franchise, except that no franchise may be granted for a period exceeding 30 years, nor may any franchise by its terms impair the authority of

the board of commissioners to regulate fees as authorized by this section. A fee may be charged for a franchise. A franchise fee may be based upon factors such as the weight, volume or composition of solid waste collected or disposed of, or the gross revenues received by the franchisee from his collection or disposal activities.

(4) Regulate the fees, if any, that may be charged by licensed or franchised persons for collecting or disposing of solid wastes.

(5) Require the source separation of materials from solid waste prior to collection of the solid waste for disposal.

(6) Require participation in a recycling program which has been approved by the board of commissioners.

(7) Include any other proper matter.

Sec. 3. This act is effective upon ratification.

MECKLENBURG COUNTY PLAN TO OBTAIN CONTROL OVER THE FLOW OF SOLID WASTE

FACTS

North Carolina counties are required by State law to develop and implement solid waste management plans which must be designed to achieve various State solid waste reduction, recycling and waste disposal goals. The State has mandated that county solid waste management plans must be designed to achieve at least a 25 percent reduction in the waste stream by June 30, 1993 through source reduction, reuse, recycling, and composting, and a 40 percent reduction by June 30, 2001. Mecklenburg County has prepared a Solid Waste Management Plan which has been approved by the City of Charlotte and the Towns of Cornelius, Davidson, Huntersville, Mint Hill and Pineville.

The Plan's goals of reducing the municipal solid waste stream through source reduction, reuse, recycling and composting are based upon the State's hierarchy of preferred methods of managing solid waste. The County's Plan is consistent with the State's goals of regulating in the most economically feasible, cost-effective, and environmentally safe manner the storage, collection, transportation, separation, processing, recycling and disposal of solid waste in order to protect the public health, safety and welfare; enhance the environment; and recover resources which have the potential for future usefulness. The County's Plan would also achieve the State's mandated waste stream reduction goals.

The Plan covers the disposal of municipal solid waste generated within all parts of Mecklenburg County except the area within Matthews. The area covered by the Plan is referred to as the Mecklenburg County Designated Geographic Area. State law provides that the North Carolina Department of Environment, Health and Natural Resources may, at the request of a unit of

local government, "designate a geographic area within which the collection, transportation, storage and disposal of all solid waste generated within such area shall be accomplished in accordance with the solid waste management plan", and may also authorize the unit of local government "to require by ordinance, that all solid waste generated within the designated geographic area that is placed in the waste stream for disposal be collected, transported, stored and disposed of at a permitted solid waste management facility or facilities serving such area." [G.S. 130A-294(a)(5b)] Such an ordinance is commonly referred to as a flow control ordinance. Mecklenburg County has been authorized to enact a flow control ordinance for its Designated Geographic Area.

Local governments achieve flow control primarily by either one or a combination of the following four methods: (1) <u>collection system</u> - by creating a local government operated solid waste collection system; (2) <u>regulatory</u> - such as by adopting a flow control ordinance; (3) <u>economic</u> - by setting tip fees low enough to make it economically advantageous for haulers to take waste to the government operated facilities and collecting the rest of the cost of disposal through taxes or special charges assessed against improved properties; or (4) <u>contractual</u> - through contracts with haulers or other local governments.

Mecklenburg County's Solid Waste Management Plan relies upon the use of regulatory - (a flow control ordinance) and contractual - (contracts with other local governments) means to achieve its goals. By contracts with the municipalities entered into between 1987 and 1989, Mecklenburg County has controlled the flow of solid waste which is collected directly and by haulers hired by the municipalities. Such waste is largely residential solid waste. In exchange for allowing Mecklenburg County to direct this waste flow, the

County agreed to provide facilities for the disposal of this solid waste and to mileage limitations on the delivery of this solid waste. Mecklenburg County adopted a flow control ordinance in November, 1991 in support of its Solid Waste Management Plan to gain control over the remainder of the solid waste generated in the Designated Geographic Area.

In a case brought in May of 1992 in the Western District of North Carolina by a hauler, federal District Court Judge Graham Mullen issued a preliminary injunction holding that the County's flow control ordinance cannot be used to prevent the transportation of solid waste generated within Mecklenburg County into South Carolina for disposal in that state. Similar rulings have been issued recently by federal courts in Rhode Island and in Minnesota. In August of 1992, an amended complaint was filed challenging the County's ability to use contracts with the municipalities in the County to control the flow of solid waste picked up by haulers under contract with these municipalities.

PROBLEM

Mecklenburg County does not currently have the level of control over the flow of solid waste which its Solid Waste Management Plan envisions and which it needs to have to achieve the goals of the Plan. The success of its Solid Waste Management Plan, including the success of meeting State-mandated reduction goals, its recycling programs, its proposed Commercial Materials Recycling Facility (COMMRF), and the County's ability to finance construction of a new 600 ton per day waste-to-energy facility, is dependent upon controlling the flow of solid waste generated in Mecklenburg County. Although it might be possible under existing State law, even given the restraints imposed by the federal court on the enforceability of flow control

ordinances, to construct and operate the COMMRF which is key to achieving the County's recycling goals, it may not be feasible under present circumstances to finance, construct and operate a new waste-to-energy facility unless tax revenues are used to subsidize the solid waste enterprise fund.

One of the goals of the Solid Waste Management Plan is to set up a system where all of the costs of the County's Solid Waste Management System, including all methods of disposal and the cost of providing recycling programs, are passed along in an equitable fashion to the waste generators. The waste generators should ultimately be charged the total cost in a way which incentivizes them to reduce the amount of waste that requires disposal, either by reducing the amount of waste they generate or by recycling some of the waste they generate.

A fully enforceable flow control ordinance would help the County achieve these goals since the ordinance would require all waste haulers to dispose of waste collected within the Designated Geographic Area at Mecklenburg County's facilities and to pay tip fees to allow the County to recover the full cost of its solid waste program. The per ton disposal cost of a solid waste management system such as the County's which uses a combination of recycling, waste to energy and landfilling, is presently higher than the cost of landfilling alone. It had been calculated that in fiscal year 92-93 the County would need to collect $37.70 for each ton of waste generated within the Mecklenburg County Designated Geographical Area in order to recover all the costs of waste disposal and recycling associated with the Mecklenburg County Solid Waste Management System. With haulers being able to dispose of waste in a South Carolina landfill as a result of the preliminary injunction in the pending federal court lawsuit at a cost per ton lower than the $37.70

cost per ton, the County cannot charge and recover its total costs through a uniform "blended charge" per ton.

The County needs to gain control over the flow of solid waste generated within the Mecklenburg Designated Geographical Area in order to achieve the goals of its Solid Waste Management Plan. This can be achieved consistent with the principles of its Solid Waste Management Plan most easily in one or a combination of four different ways.

I. Create A County Operated Solid Waste Collection System.

If County employees collected all the waste generated in the Designated Geographic Area, the County would have total control of the flow of the solid waste. This approach would be especially effective in implementation of the County's commercial and residential recycling programs.

Counties have the statutory authority to provide solid waste collection services in unincorporated areas. Through interlocal agreements with municipalities, counties can also provide such services within the municipalities. Under present law, the cost of collecting and disposing of the solid waste collected could be recovered either through ad valorem taxes, collection fees, or availability fees, or some combination of such revenues. Since there would be no cost to the municipalities for such a County-operated collection service, there is every reason to expect that the municipalities would consent to the County operating a collection service within their corporate limits.

Such a technique might take several years to be fully implemented after the date the collection service starts. Some municipalities may have multi-year contracts with private collectors who provide collection services in those municipalities. Commercial waste generators frequently enter into

multi-year contracts with private solid waste collectors. Since the County-operated collection service would probably be funded through a combination of property tax revenues, availability fees or generator fees (if the enabling legislation is amended as described in III.), as well as collection fees, and would not require solid waste generators to pay the full cost of the service in collection fees, it is reasonable to expect that most municipalities and commercial solid waste generators would switch to the County collection service as their solid waste collection contracts expire. Most residential customers presently using private haulers in the unincorporated areas have shorter contracts and could be expected to start using the County collection service within one year.

A County-operated collection service might need to be operated using only County employees. Although frequently local governments either hire haulers or franchise haulers to pick up solid waste, at present it is not prudent to plan to use private contract haulers. One of the issues recently raised by a hauler in the federal litigation concerns the validity of a local government's power to require a private hauler, who contracts to collect solid waste for the local government, to dispose of that waste as directed by the local government. So long as there is any challenge to the power of local governments to direct the flow of solid waste in that manner, it would not be judicious for the County to plan to use contract haulers to provide any of its collection services.

ACTION STEPS

(1) Have the County Engineering staff develop a plan for a County-operated collection service, including a schedule for implementation, staff, equipment, and cost estimates.

(2) Discuss the option of a County-operated collection service with the municipalities.

II. Obtain Federal Legislation to Authorize Local Governments to Prohibit Exportation of Solid Waste.

A second way is to obtain legislation from the United States Congress authorizing local governments to adopt and enforce flow control ordinances which could prohibit the exportation of solid waste across state lines. The basis for the recent federal court rulings that certain flow control ordinances are unconstitutional is that only Congress has the power to regulate commerce among the states (Article I, Section 8, Clause 3 of the United States Constitution). Congress has the authority to adopt legislation authorizing the states, and their political subdivisions, to adopt flow control ordinances which could restrict the transportation of solid waste across state lines. The United States Congress is currently considering legislation authorizing States to prohibit importation of solid waste under certain circumstances, but except within the RCRA amendments (which are not expected to be adopted this year), it is not considering any legislation which would authorize States to prohibit the exportation of solid waste. Senate Bill 2877 was adopted by the Senate on July 23, 1992.

Achieving control over the flow of solid waste through the use of a flow control ordinance which could totally control the disposal of waste generated within the Mecklenburg County Designated Geographical Area is the most desirable method of controlling the flow of solid waste because the County needs to interact directly only with haulers and not with all of the solid waste generators in order to achieve its goals.

ACTION STEPS

(1) Work with Representative Alex McMillan, who is on the Transportation and Hazardous Materials Subcommittee of the House Energy and Commerce Committee, which deals with such matters, to see if he will support importation ban legislation and sponsor legislation to authorize States and local governments to ban the export of solid waste.

(2) Work with the National Association of Counties (NACO) to see if NACO will lobby Congress to adopt legislation authorizing local governments to ban the export of solid waste.

(3) Ask the Charlotte City Council to seek support of such legislation from the National League of Cities and the U. S. Conference of Mayors.

(4) Request the North Carolina Association of County Commissioners (NCACC) to request NACO to lobby for Congressional authorization of solid waste export legislation.

III. Obtain State Legislation to Authorize Counties to Charge a Generator Fee.

The third way which has been identified to control the flow of solid waste and to achieve the other goals of the County's Solid Waste Management Plan is to obtain State legislation to authorize counties to charge a generator fee directly to all solid waste generators to recover enough of the costs of operating a county's solid waste management system so that the tip fee at county provided disposal facilities could be set low enough to attract all of the waste generated within the county designated geographical area to those disposal facilities. Adoption of this type legislation would also allow the County to charge solid waste generators the cost of collection, which would allow the County to fund a collection service through such fees.

This economic means of achieving flow control is not as precise a method of charging each waste generator for the actual amount of waste produced by the generator as the regulatory means of a fully enforceable flow control ordinance and is a great deal more time consuming and complex to design and implement. It is an effective method, however, of achieving flow control.

There is presently State law authorization to charge an "availability fee" to owners of improved property in the county, but this legislative authorization is not broad enough to accomplish the desired result. For example, a fee cannot be charged under existing legislation to the owner of a property who contracts with a private hauler to dispose of his waste at a facility provided by the private hauler. Thus, commercial solid waste generators could avoid paying an availability fee by contracting with a hauler which would take the waste to a disposal facility provided by the hauler. (Since Mecklenburg County would be using its flow control ordinance along with an availability fee, if the County were to impose an availability fee under present law, only customers of haulers disposing of waste outside North Carolina could avoid paying the availability fee.)

ACTION STEPS

(1) Submit legislation to the North Carolina Association of County Commissioners authorizing counties to charge a generator fee with a request that it be added to the legislative package of the Association.

(2) Work with the North Carolina Legislative Research Commission's Study Committee on Solid Waste Control and Disposal Issues (co-chaired by Senator Fountain Odom), to have the Committee endorse this type legislation. This Study Committee is to report to the 1993 General Assembly on changes needed in North Carolina solid waste legislation.

(3) Ask the City of Charlotte to support adoption of this type legislation and to submit proposed legislation to the League of Municipalities with a request that it be part of the League's legislative goals.

(4) Seek support for this legislative proposal from the Charlotte Chamber of Commerce.

IV. Obtain State Legislation to Clarify the Authority of Counties to Charge a License or Franchise Fee.

A fourth way to collect additional funds to support the Solid Waste Enterprise Fund is through some type of license or franchise fee which would be charged to haulers. At present the County has the authority only to franchise in the unincorporated areas, but the City of Charlotte and the five towns which have approved the Solid Waste Management Plan have all agreed to implement franchising in their jurisdictions if necessary to support the Solid Waste Management Plan. The general concept would be to charge a franchise or license fee to the haulers based upon factors such as the weight, volume, or composition of waste collected, or a percentage of the hauler's gross revenues. The funds generated would be used to support the Solid Waste Enterprise Fund, which would allow the County to lower the tip fee to these haulers. Haulers would not be required to use the County's disposal facilities, but would merely be entitled to do so as a result of obtaining the franchise or license and paying the fee.

At present State law provides that counties can charge a license fee but does not specifically provide authority to charge a franchise fee or indicate the factors to be considered in setting the fee. The County might be able to charge such a license or franchise fee as described above under existing legislation but more specific authorization of this nature would be helpful.

ACTION STEPS

The action steps suggested are the same as stated for the legislation proposed in III. above.

OTHER STRATEGIES AVAILABLE UNDER EXISTING LAW WHICH MIGHT BE USED TO IMPLEMENT FLOW CONTROL

A. Tax-supported Solid Waste Enterprise Funding Strategies. The County could raise additional funds, over and above what is now being raised, from property tax to further support the Solid Waste Enterprise Fund. These funds could be used in any one of several ways to help control the flow of solid waste. One way would be to subsidize the tip fee which is charged. This might incentivize the flow of waste to facilities controlled by the County if the tip fee could be set lower than the cost to dispose of the waste at an out-of-state landfill. This approach is not at present the preference of staff because it is an inequitable financing technique which places the cost of solid waste disposal on property owners based upon the value of their property, rather than on solid waste generators based upon the amount of solid waste generated. This method of collecting money fails to place the total cost of disposal on the generators of solid waste in proportion to the amount of waste generated and thus is not consistent with the goals of the Solid Waste Management Plan. It would achieve the desired result, however, should other options not become available.

B. Charge Availability Fee Under Existing Legislation To Residential Customers Only. Under present legislation the County cannot charge an availability fee to a property which is served by a private contractor who disposes of solid waste collected from the property in a