



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

June 6, 1977

ATTORNEY GENERAL OPINION NO. 77- 182

Mr. Laurel D. McClellan
Wilson County Attorney
430 North Seventh Street
Post Office Box 478
Fredonia, Kansas 66736

Re: Counties--Solid Waste--Fees

Synopsis: A resolution adopted by the board of county commissioners on or before July 1 which adopts a schedule of fees for solid waste service pursuant to K.S.A. 1976 Supp. 65-3410 is effective on the date of adoption of said resolution, unless the resolution otherwise provides. Its effectiveness is not delayed until the succeeding calendar year by any provision of art. 34, ch. 65, K.S.A.

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Dear Mr. McClellan:

You advise that Wilson County operates a county waste disposal site, commencing October 1, 1976. Pursuant to K.S.A. 1976 Supp. 65-3410, the board of county commissioners adopted a resolution defining the Wilson County solid waste service area, classifying the real property within the area, and establishing a schedule of fees to be imposed on the real property within this area for the operation and maintenance of the disposal site. The fees so established were for the calendar year 1977. The question has arisen whether under K.S.A. 1976 Supp. 65-3410, the resolution is effective for the current year, i.e., the year of its adoption, or whether it is effective only for the succeeding year.

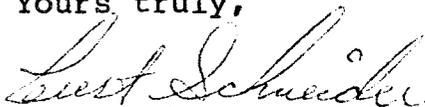
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Concerning this resolution, the cited statute provides only thus, in pertinent part:

"On or before the first day of July of each calendar year, the board of county commissioners of any county, may, by resolution establish a schedule of fees to be imposed on real property within any county solid waste service area, revenue from such fees to be used for the acquisition, operation and maintenance of county waste disposal sites and/or for financing waste collection, storage, processing, reclamation, and disposal services, where such services are provided."

I find nothing in this statutory scheme which requires the resolution to become effective only in the succeeding calendar year. The July 1 date was fixed, probably at least in part, to facilitate the billing of fees on the ad valorem tax statement, if the commissioners chose that method, and to facilitate the collection of delinquent fees through the ad valorem property tax procedure. I find nothing in the act which suggests that the resolution adopting a schedule of fees is effective on any date other than the date the resolution is adopted. The resolution which you enclose adopts an annual fee for calendar year 1977, and in my judgment, that resolution, and the fees thus fixed, are effective on the date of the resolution itself, May 23, 1977.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj