

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

Resolution No.11-164

Acting on behalf of County Service Area 75 – Chualar: )

- a. Conduct a Public Hearing to hear the report of delinquent fees and consider any protests or objections to the report by landowners liable to be assessed for delinquent fees for the County Service Area 75 – Chualar; )
- b. Consider adopting a resolution confirming the report of delinquent fees for the County Service Area 75 – Chualar, as identified in Exhibit A, and authorizing the delinquent fees as set forth in the confirmed report 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 )
- c. Consider authorizing the Clerk of the Board of Supervisors to file a certified copy of the confirmed report with the Auditor-Controller..... )

WHEREAS, the Board of Supervisors, acting on behalf of County Service Area 75 (CSA 75) - Chualar has enacted an Ordinance which provides for the collection of sewer service charges by use of a monthly billing system; and

WHEREAS, certain property owners in CSA 75 - Chualar (Exhibit A) have allowed past due balances to accumulate; and

WHEREAS, Ordinance No. 04225, which amends Section 16 of the CSA 75 - Chualar Ordinance No. 3920, allows for the collection of delinquent fees and a lien transfer fee as special assessments constituting a lien on the property for the size of such delinquent fees; and

WHEREAS, it is desirable that past due assessments for sewer service be collected; and

WHEREAS, the Board of Supervisors, acting on behalf of CSA 75 - Chualar, conducted a public hearing, heard the report, and considered any landowner protests and objections to the report to satisfy the requirements of Ordinance No. 04225 regarding procedures for collection of delinquent fees.

NOW, THEREFORE, BE IT RESOLVED by the Monterey County Board of Supervisors, acting on behalf of CSA 75 - Chualar, as follows:

- 1. Confirmed the report of delinquent fees for CSA 75 - Chualar, as identified in Exhibit A.

2. Authorized the delinquent fees as set forth in the confirmed report 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.
3. Authorized the Clerk of the Board to file a certified copy of the confirmed report with the Auditor-Controller.

PASSED AND ADOPTED on this 24<sup>th</sup> day of May, 2011, upon motion of Supervisor Salinas, seconded by Supervisor Potter, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker, and Potter  
NOES: None  
ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 75 for the meeting on May 24, 2011.

Dated: May 31, 2011

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy

Exhibit A

County Service Area 75, Chualar - Full Payments Remitted as of May 20, 2011

Parcel Number Name & Mailing Address	4/20/11 Past Due Amount	Monthly Penalty	Total Assessment	
145-161-039 FLORES MARIA PO BOX 571 CHUALAR CA 93925-0571	\$240.69	\$3.60	\$265.89	Removed due to full payment.
145-171-005 LONGORIA SABINO & M B PEREA PO BOX 671 CHUALAR CA 93925-0671	\$251.05	\$3.76	\$277.37	Removed due to full payment.

Exhibit A

Past Due Accounts for the County Service Area 75 - Chualar

Parcel Number Name & Mailing Address	4/20/11 Past Due Amount	Monthly Penalty	Assessment
145-161-080 ALANIZ ANOTONIO PO BOX 799 CHUALAR CA 93925	\$209.14	\$3.13	\$231.05
145-161-040 BARBOZA JUAN & MANUEL PO BOX 639 CHUALAR CA 95076-0639	\$44.88	\$0.67	\$49.59
145-161-001 CARRASCO PATRICIA PO BOX 1400 GONZALES CA 93926-1400	\$251.05	\$3.76	\$277.37
145-161-037 CARRILLO AMBROSIO & MARIA L PO BOX 301 CHUALAR CA 93925-0301	\$226.02	\$3.38	\$249.68
145-161-017 CARRILLO GUADALUPE & EPIFANIA PO BOX 1750 GONZALES CA 93926-1750	\$251.05	\$3.76	\$277.37
145-051-005 CORTES CLODOALDO 1000 RIVER RD SALINAS CA 93908-8714	\$451.64	\$6.76	\$498.96
145-051-006 CORTES CLODOALDO 1000 RIVER RD SALINAS CA 93908-8714	\$225.86	\$3.38	\$249.52
145-161-012 CORTES ROGELIO ET AL 24611 ADAMS ST CHUALAR CA 93925-9999	\$229.09	\$3.43	\$253.10

<b>Parcel Number Name &amp; Mailing Address</b>	<b>4/20/11 Past Due Amount</b>	<b>Monthly Penalty</b>	<b>Assessment</b>
145-052-007 ESCOBEDO JOSE LUIS PO BOX 9231 SAKUBAS CA 93912-9231	\$232.58	\$3.48	\$256.94
145-161-039 FLORES MARIA PO BOX 571 CHUALAR CA 93925-0571	\$240.69	\$3.60	\$265.89
145-171-005 LONGORIA SABINO & M B PEREA PO BOX 671 CHUALAR CA 93925-0671	\$251.05	\$3.76	\$277.37
145-043-004 NANA THOMAS C TR 91-1165 KAMAAHA LOOP #14C KAPOLEI, HI 96707	\$834.71	\$12.51	\$922.28
145-061-009 PALACPAC ELEAZAR & A P UGBOC 135 WEBSTER ST SAN FRANCISCO CA 94117-3507	\$179.49	\$2.68	\$198.25
145-061-010 PALACPAC ELEAZAR & A P UGBOC 135 WEBSTER ST SAN FRANCISCO CA 94117-3507	\$179.49	\$2.68	\$198.25
145-041-003 PEREZ NASARIO & MARGARET PO BOX 276 CHUALAR CA 93925-0276	\$163.99	\$2.45	\$181.14
145-161-067 RANGEL MARIA PO BOX 730 CHUALAR CA 93925-0730	\$227.21	\$3.40	\$251.01
145-161-002 RENTERIA MARIA ET AL 24515 LINCOLN ST CHUALAR CA 93925-9999	\$273.40	\$4.09	\$302.03

<b>Parcel Number Name &amp; Mailing Address</b>	<b>4/20/11 Past Due Amount</b>	<b>Monthly Penalty</b>	<b>Assessment</b>
145-052-010 DIANA ROCHA ROCHA DIANA ET AL 1522 CONSTITUTION BLVD SALINAS CA 93905	\$226.27	\$3.38	\$249.93

## MONTEREY COUNTY BOARD OF SUPERVISORS

<b>MEETING:</b> May 24, 2011 – 10:30 a.m.	<b>AGENDA NO.:</b> S-1
<b>SUBJECT:</b> Acting on behalf of County Service Area 75 – Chualar: <ul style="list-style-type: none"><li>a. Conduct a Public Hearing to hear the report of delinquent fees and consider any protests or objections to the report by landowners liable to be assessed for delinquent fees for the County Service Area 75 – Chualar;</li><li>b. Consider adopting a resolution confirming the report of delinquent fees for the County Service Area 75 – Chualar, as identified in Exhibit A, and authorizing the delinquent fees as set forth in the confirmed report 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</li><li>c. Consider authorizing the Clerk of the Board of Supervisors to file a certified copy of the confirmed report with the Auditor-Controller.</li></ul>	
<b>DEPARTMENT:</b> RMA - Public Works	

### **RECOMMENDATIONS:**

It is recommended that the Board of Supervisors acting on behalf of County Service Area 75 – Chualar:

- a. Conduct a Public Hearing to hear the report of delinquent fees and consider any protests or objections to the report by landowners liable to be assessed for delinquent fees for the County Service Area 75 – Chualar;
- b. Consider adopting a resolution confirming the report of delinquent fees for the County Service Area 75 – Chualar, as identified in Exhibit A, and authorizing the delinquent fees as set forth in the confirmed report 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
- c. Consider authorizing the Clerk of the Board of Supervisors to file a certified copy of the confirmed report with the Auditor-Controller.

### **SUMMARY:**

This hearing was set by Board action of May 3, 2011, and it has been properly noticed. The proposed actions will result in placing past due sanitation assessment service charges for the County Service Area 75 – Chualar on the tax rolls to facilitate collections. This assessment will be in the form of a Lien placed on the property until such time that the delinquent balance is paid in full.

### **DISCUSSION:**

In 1999, the Board of Supervisors adopted ordinances removing sanitation service charges from the tax rolls and instead provided for collection through a monthly billing system. On June 22, 2004, the Board of Supervisors adopted Ordinance No. 04225 establishing procedures for collecting delinquent fees for CSA 75. Those procedures include holding a Public Hearing once a year to hear the report of delinquent fees and any protests or objections by landowners liable to be assessed for delinquent fees (Exhibit A attached). The proposed action would fulfill the required procedures for collection of delinquent fees.

Certain property owners in CSA 75 have accrued significant unpaid balances for calendar year 2010 on accounts for 18 parcels despite multiple billing notices. On February 22, 2011, land owners were notified by letter that they have delinquent accounts. The letter informed land owners that the delinquent amount as of December 31, 2010 was subject to collection through a lien on their property. On May 11, 2011, Notices of the May 24, 2011 Public Hearing were mailed to land owners listed on the report.

**OTHER AGENCY INVOLVEMENT:**

The Monterey Regional Water Pollution Control Agency (MRWPCA) acts as the billing agency for the County Service Area 75 – Chualar. The accounts listed in Exhibit A and the amounts due are based on information provided by MRWPCA. A certified copy of the report of delinquent fees confirmed by the Board will be filed by the Clerk of the Board with the Auditor-Controller for placement of the liens on the property tax rolls by the Treasurer-Tax Collector's Office.

**FINANCING:**

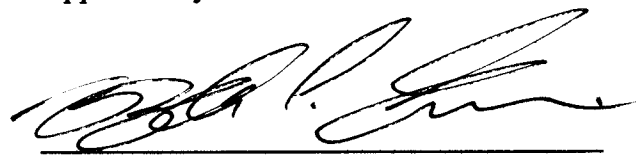
There is no impact to the General Fund. Collectively, past due amounts, including basic and per month penalties through December 31, 2010, for calendar year 2010 currently total \$4,697.61 from 18 parcels. In accordance with the Monterey County Fee Schedule, Late Payment Penalties have been assessed as permitted in Section 5473.10 of the California Health and Safety Code. In accordance with Ordinance No. 04225, these penalty fees are included in the total service charges amount of \$4,697.61. All calendar year 2010 past due service charges and penalty fees collected will be deposited in the CSA 75 (Fund 093). The report of delinquent accounts first presented to your Board on May 3, 2011 has been revised to reflect full and partial payments received to date.

Prepared by:



Dirk Medema, P.E. (831) 784-5647  
Environmental Services Manager

Approved by:



Yazdan T. Emrani, M.S., P.E.  
Director of Public Works

Dated: May 16, 2011

cc: Auditor-Controller

Attachments: Board Resolution; Exhibit A – Past Due Accounts for County Service Area 75 – Chualar; Location Map