



Legislation Details (With Board Report)

File #: RES 20-071 **Name:** Conduct a Public Hearing to:
a. Accept the report of delinquent sanitation fees from twenty-one [21] parcels totaling \$10,990.77, including late penalties;
b. Consider any protests and objections to the report by property owners liable to be assessed for delinquent sanitation fees for County Service Area No. 75-Chualar;

Type: BoS Resolution **Status:** Passed - RMA Administration

File created: 5/5/2020 **In control:** Board of Supervisors

On agenda: 5/19/2020 **Final action:** 5/19/2020

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a. Accept the report of delinquent sanitation fees from twenty-one [21] parcels totaling \$10,990.77, including late penalties;
b. Consider any protests and objections to the report by property owners liable to be assessed for delinquent sanitation fees for County Service Area No. 75-Chualar;
c. Adopt a resolution to:
1) Confirm the report of delinquent sanitation fees for County Service Area No. 75-Chualar, as identified in "Report of 2019 Delinquent Fees County Service Area 75-Chualar;
2) Authorize the delinquent sanitation fees from twenty-one [21] parcels totaling \$10,990.77 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;
d. Authorize the Clerk of the Board to file a certified copy of the report with the Auditor-Controller.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A-Draft Resolution, 3. Attachment B-Report of 2019 Delinquent Fees, 4. Attachment C-Public Hearing Notice, 5. Attachment D-Location Map, 6. Revised Attachment B (presented at the hearing)

Date	Ver.	Action By	Action	Result
5/19/2020	1	Board of Supervisors		

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d. Authorize the Clerk of the Board to file a certified copy of the report with the Auditor-Controller.

RECOMMENDATION:

It is recommended that the Board of Supervisors, acting on behalf of County Service Area No. 75-Chualar, conduct a Public Hearing to:

- a. Accept the report of delinquent sanitation fees from twenty-one [21] parcels totaling \$10,990.77, including late penalties;
- b. Consider any protests and objections to the report by property owners liable to be assessed for delinquent sanitation fees for County Service Area No. 75-Chualar;
- c. Adopt a resolution to:
 - 1) Confirm the report of delinquent sanitation fees for County Service Area No. 75-Chualar, as identified in "Report of 2019 Delinquent Fees County Service Area 75-Chualar";
 - 2) Authorize the delinquent sanitation fees from twenty-one [21] parcels totaling \$10,990.77 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;
- d. Authorize the Clerk of the Board to file a certified copy of the report with the Auditor-Controller.

SUMMARY:

On March 24, 2020, the Board of Supervisors set May 19, 2020, as the date for a Public Hearing to consider placing past due sanitation service charges for County Service Area No. 75-Chualar (CSA 75-Chualar) on the property tax rolls to facilitate collections. This matter has been properly noticed for the time and place to hold such a hearing. Assessments from twenty-one [21] parcels totaling \$10,990.77 will be in the form of a lien placed on the subject real properties 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 collection of delinquent fees for CSA 75-Chualar. The procedures include holding a Public Hearing once a year to hear the report of delinquent fees and any protests or objections by property owners liable to be assessed for delinquent fees (Attachment B).

Certain property owners in CSA 75-Chualar have accrued unpaid balances for calendar year 2019 on accounts for twenty-one (21) parcels despite multiple billing notices. The proposed action will result in a Public Hearing to consider placing past due sanitation service charges for CSA 75-Chualar on the property tax rolls to facilitate collections regarding these twenty-one [21] accounts with past due balances.

On March 25, and April 16, 2020, affected property owners were notified by letter that they have delinquent accounts. The letters informed each property owner that past due amounts as of December 31, 2019 are subject to collection through a lien on their property. The letter mailed on April 16, 2020, to property owners listed on the Report of 2019 Delinquent Fees County Service Area 75-Chualar (Report) also included a copy of the May 19, 2020 public hearing notice. Also, the public hearing notice (Attachment C) was published in the Monterey County Weekly on April 30, 2020. Both were done not less than ten (10) days prior to said hearing.

Staff will provide an updated Report on the date of the hearing as remittances are continuous.

OTHER AGENCY INVOLVEMENT:

Monterey One Water (MIW) acts as the billing agency for CSA 75-Chualar. The accounts listed in Attachment B and the amounts due are based on reports provided by MIW. Placement of the liens on the property tax rolls will be facilitated by the Office of the Auditor-Controller.

FINANCING:

Collectively, past due amounts for calendar year 2019 for CSA 75-Chualar currently total \$10,990.77 from twenty-one [21] parcels. In accordance with the Monterey County Fee Schedule, Late Payment Penalties are assessed at 1.5% of past due amounts pursuant to California Health and Safety Code Section 5473. In

accordance with Ordinance No. 04225, penalty fees are included in the total amount listed in Attachment B. CSA 75-Chualar's main revenue comes from sewer fees with additional revenue allocated from a portion of the general property tax and investment income from the Unassigned Fund Balance. Additionally, revenue from the prior year's delinquent accounts is collected when property tax payments are made in December and April of the following year. All calendar year 2019 past due service charges and penalty fees collected will be deposited to Fund 093 for CSA 75-Chualar. Collection of past due amounts is a normal part of doing business and is accounted for when preparing the annual CSA budget. The nominal delinquent amount is unlikely to impact the current year's budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The collection of past due amounts and corresponding lien transfer fees for delinquent accounts contributes to the Board of Supervisors' strategic initiatives for Administration, Infrastructure and Health and Human Services by ensuring continued cashflow to fund maintenance and repairs. Responsible fiscal management allows for adequate management of sewer infrastructure needs and improves public health and safety.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Lynette Redman, Management Analyst III (831) 796-6038
Reviewed by: Melanie Beretti, RMA Property Administration/Special Programs Manager
Approved by: Shawne Ellerbee, RMA Deputy Director of Administrative Services
Approved by: Carl P. Holm, AICP, RMA Director

Attachments:
Attachment A-Draft Resolution
Attachment B-Report of 2019 Delinquent Fees CSA75-Chualar
Attachment C-Notice of Public Hearing
Attachment D-Location Map
(Attachments are on file with the Clerk of the Board)