



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legislation Details (With Board Report)

File #: RES 17-104 **Name:** CSA 75, Hold Public Hearing for Delinquent Accounts

Type: BoS Resolution **Status:** Passed

File created: 6/19/2017 **In control:** Board of Supervisors

On agenda: 6/27/2017 **Final action:** 6/27/2017

Title: Acting on behalf of County Service Area 75 - Chualar:
 a. Conduct a public hearing to hear the report of delinquent sanitation fees and consider any protests and objections to the report by property owners liable to be assessed for delinquent sanitation fees for County Service Area 75 - Chualar;
 b. Adopt a resolution confirming the draft report of delinquent sanitation fees for County Service Area 75 - Chualar; as identified in Attachment A, and authorizing the delinquent sanitation 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. 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 - Resolution, 3. Attachment B -Draft Delinquent Fees Report for CSA 75, 4. Attachment C - Notice of Public Hearing CSA 75 Delinquent Accounts, 5. Attachment D - CSA 75 Location Map, 6. Completed Board Order & Resolution w/ Revised Attachments

Date	Ver.	Action By	Action	Result
6/27/2017	1	Board of Supervisors	adopted	Pass

Acting on behalf of County Service Area 75 - Chualar:
 a. Conduct a public hearing to hear the report of delinquent sanitation fees and consider any protests and objections to the report by property owners liable to be assessed for delinquent sanitation fees for County Service Area 75 - Chualar;
 b. Adopt a resolution confirming the draft report of delinquent sanitation fees for County Service Area 75 - Chualar; as identified in Attachment A, and authorizing the delinquent sanitation 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. 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 75 - Chualar:
 a. Conduct a public hearing to hear the report of delinquent sanitation fees and consider any protests and objections to the report by property owners liable to be assessed for delinquent sanitation fees for County Service Area 75 - Chualar;
 b. Adopt a resolution confirming the draft report of delinquent sanitation fees for County Service Area 75 - Chualar; as identified in Attachment A, and authorizing the delinquent sanitation 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. Authorize the Clerk of the Board to file a certified copy of the report with the Auditor-Controller.

SUMMARY:

This hearing was set by Board action on June 6, 2017, and has been properly noticed. The proposed actions will result in a Public Hearing to consider placing past due sanitation service charges for County Service Area 75 - Chualar (CSA 75 - Chualar) on the property tax rolls to facilitate collections. This assessment will be in the form of a lien placed on the subject real 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 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 2).

Certain property owners in CSA 75 have accrued unpaid balances for calendar year 2016 on accounts for eleven (11) parcels despite multiple billing notices. The proposed action will result in a Public Hearing to consider placing past due sanitation service charges for County Service Area 75 - Chualar (CSA 75 - Chualar) on the property tax rolls to facilitate collections regarding these eleven (11) accounts with past due balances.

On March 4, 2017 and again on May 9, 2017 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, 2016 are subject to collection through a lien on their property. On June 6, 2017, Notices of the June 27, 2017, public hearing (Attachment C) were mailed to property owners listed on the report.

Staff will provide an updated delinquent fee report on the date of the hearing as remittances are continuous.

OTHER AGENCY INVOLVEMENT:

The Monterey Regional Water Pollution Control Agency (MRWPCA) acts as the billing agency for CSA 75 - Chualar. The accounts listed in Attachment B and the amounts due are based on a report provided by MRWPCA. Placement of liens on the property rolls will be completed by the Treasurer-Tax Collector's Office.

FINANCING:

Collectively, past due amounts for calendar year 2016 for CSA 75 currently total \$2,006.53 from eleven (11) parcels. In accordance with the Monterey County Fee Schedule, Late Payment Penalties in the amount of \$30.10 have been assessed pursuant to the California Health and Safety Code, Section 5473.10. In accordance with Ordinance No. 04225, these penalty fees are included in the total service charge amount of \$2,036.63. The main revenue for the CSA 75 comes from sanitation service fees, with additional revenue allocated from a portion of the general property tax, as well as investment income from the Unassigned Fund Balance. Additionally, revenue from the previous year's delinquent accounts are collected when property tax payments are made in December and April of the following year. All calendar year 2016 past due service charges and penalty fees collected will be deposited to Fund 093 for CSA 75. Past due amounts are a normal part of doing business, and as such, are accounted for when preparing the annual budget. The nominal amount is not expected to have an impact on the current fiscal year budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES

The collection of delinquent accounts ensures continued cash flow to fund maintenance and repairs. Responsible fiscal management allows for adequate management of sewer infrastructure needs which improves public health and safety.

Check the related Board of Supervisors Strategic Initiatives:

Economic Development

- X Administration
- X Health & Human Services
- X Infrastructure
- X Public Safety

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Approved by: Shawne Ellerbee, RMA Deputy Director of Administrative Services

Approved by: Carl P. Holm, AICP, Resource Management Agency Director

Attachments:

Attachment A- Resolution

Attachment B- Draft Delinquent Fees Report for CSA 75

Attachment C- Notice of Public Hearing

Attachment D - Location Map

(Attachments on file with the Clerk of the Board)