



Legislation Details (With Board Report)

File #: RES 19-048 **Name:** Conduct a Public Hearing to:
a. Accept the report of delinquent sanitation fees from fifteen (15) parcels totaling \$4,826.09, including late penalties;
b. Consider any protests and objections to the report by property owners liable to be assessed for

Type: BoS Resolution **Status:** Passed - RMA Land Use and Community Development

File created: 4/26/2019 **In control:** Board of Supervisors

On agenda: 5/14/2019 **Final action:** 5/14/2019

Title: Conduct a Public Hearing to:
a. Accept the report of delinquent sanitation fees from fifteen (15) parcels totaling \$4,826.09, 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 75 - Chualar;
c. Adopt a resolution to:
i. Confirm the report of delinquent sanitation fees for County Service Area 75 - Chualar, as identified in "Report of 2018 Delinquent Fees County Service Area 75-Chualar"; and
ii. Authorize the delinquent sanitation fees from fifteen (15) parcels totaling \$4,826.09 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
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 - Resolution, 3. Attachment B - Report of 2018 Delinquent Accounts as of 4-8-19, 4. Attachment C - Notice of Public Hearing, 5. Attachment D - Location Map, 6. Additions and Corrections Completed Board Order, 7. 12. Completed Board Order and Resolution

Date	Ver.	Action By	Action	Result
5/14/2019	1	Board of Supervisors	adopted - rma land use and community development	Pass

Conduct a Public Hearing to:
a. Accept the report of delinquent sanitation fees from fifteen (15) parcels totaling \$4,826.09, 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 75 - Chualar;
c. Adopt a resolution to:
i. Confirm the report of delinquent sanitation fees for County Service Area 75 - Chualar, as identified in "Report of 2018 Delinquent Fees County Service Area 75-Chualar"; and
ii. Authorize the delinquent sanitation fees from fifteen (15) parcels totaling \$4,826.09 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
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 fifteen (15) parcels totaling \$4,826.09, 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 75 - Chualar;
- c. Adopt a resolution to:
 - i. Confirm the report of delinquent sanitation fees for County Service Area 75 - Chualar, as identified in "Report of 2018 Delinquent Fees County Service Area 75-Chualar"; and
 - ii. Authorize the delinquent sanitation fees from fifteen (15) parcels totaling \$4,826.09 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
- d. Authorize the Clerk of the Board to file a certified copy of the report with the Auditor-Controller.

SUMMARY:

On April 23, 2019, the Board of Supervisors set May 14th as the date for 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 matter has been properly noticed for the time and place to hold such a hearing. Assessments from fifteen (15) parcels totaling \$4,826.09 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 have accrued unpaid balances for calendar year 2018 on accounts for fifteen (15) 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 fifteen (15) accounts with past due balances.

On February 15, and April 10, 2019, affected property owners were notified by letter that they have delinquent accounts. The letter informed each property owner that past due amounts, as of December 31, 2018, are subject to collection through a lien on their property. Notices of the May 14, 2019 public hearing will be mailed, not less than ten (10) days prior to the hearing, to property owners listed in the Report. Also, a public hearing notice (Attachment C) will be published in the Monterey County Weekly 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 (M1W) 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 M1W. 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 2018 for CSA 75 currently total \$4,826.09 from fifteen (15) 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'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 2018 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 CSA budget. The nominal delinquent amount is not likely to impact the current year's budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The collection of past due amounts and corresponding Late Payment Penalties for delinquent accounts ensures continued cash flow 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 Services Manager
Approved by: Shawne Ellerbee, RMA Deputy Director of Administrative Services
Approved by: Carl P. Holm, AICP, RMA Director

Attachments:
Attachment A - Resolution
Attachment B - Report of 2018 Delinquent Fees-CSA 75
Attachment C - Notice of Public Hearing
Attachment D - Location Map
(Attachments on file with the Clerk of the Board)