



Legislation Details (With Board Report)

**File #:** RES 16-035      **Name:** Conduct PH to Adopt RES f/CSA75 Delinquent Fees Report (10:30 AM)  
CSA 75- Chualar Conduct Public Hearing

**Type:** BoS Resolution      **Status:** Passed

**File created:** 6/14/2016      **In control:** Board of Supervisors

**On agenda:** 6/28/2016      **Final action:** 6/28/2016

**Title:** 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 and objections to the report by property owners liable to be assessed for delinquent fees for County Service Area 75 - Chualar;  
b. Adopt a resolution confirming the draft report of delinquent fees for 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. Authorize the Clerk of the Board of Supervisors to file a certified copy of the confirmed report with the Auditor - Controller.

**Sponsors:** Public Works / RMA

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Resolution CSA 75 - Chualar, 3. Exhibit A Delinquent Fees Report for CSA 75 - Chualar, 4. Notice of Public Hearing CSA 75 - Chualar, 5. Location Map, 6. Completed Board Order w/ Resolution

Date	Ver.	Action By	Action	Result
6/28/2016	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 fees and consider any protests and objections to the report by property owners liable to be assessed for delinquent fees for County Service Area 75 - Chualar;  
b. Adopt a resolution confirming the draft report of delinquent fees for 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. Authorize the Clerk of the Board of Supervisors to file a certified copy of the confirmed 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 fees and consider any protests and objections to the report by property owners liable to be assessed for delinquent fees for County Service Area 75 - Chualar;  
b. Adopt a resolution confirming the draft report of delinquent fees for 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. Authorize 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 on June 14, 2016, 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 - Chualar have accrued unpaid balances for calendar year 2015 on accounts for thirteen (13) parcels despite multiple billing notices. The proposed action will schedule the required hearing regarding the thirteen (13) accounts with past due balances.

On March 4, 2016 and again on May 9, 2016 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, 2015 are subject to collection through a lien on their property. On June 16, 2016, Notices of the June 28, 2016, public hearing were mailed to property owners listed on the report.

Staff will provide updated delinquent fee report on the date of 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 Exhibit A and the amounts due are based on a report provided by MRWPCA (attached). Placement of the liens on the property tax rolls will be done by the Treasurer-Tax Collector's Office.

FINANCING:

Collectively, past due amounts for calendar year 2015, for CSA 75 - Chualar total \$2,497.44 from thirteen (13) parcels. In accordance with the Monterey County Fee Schedule, Late Payment Penalties 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 \$2,534.91. The main revenue source for CSA 75 - Chualar comes from sewer service fees, with additional revenues 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 is collected when property tax payments are made in December and April of the following year. All past due calendar year 2015 service fees and delinquent payments will be deposited to Fund 093 for CSA 75 - Chualar. There are sufficient appropriations available in fund 093 to cover the processing costs until the delinquent amounts are recovered. However, there is currently approximately \$91,000 available in the Unassigned Fund Balance should an appropriation be necessary to cover any costs until delinquent fees are collected on the Fiscal Year 2016-17 tax rolls.

Prepared by: Lynette Redman, Management Analyst III, (831) 796-6038

Approved by: Benny J. Young, Interim Director of Public Works and Facilities

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

Dated: June 13, 2016

Attachment(s): Resolution CSA 75 - Chualar; Exhibit A Delinquent Fees Report for CSA 75 - Chualar; Notice of Public Hearing CSA 75 - Chualar; Location Map (Attachments on file with the Clerk of the Board)