



County of Monterey

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

Legislation Details (With Board Report)

File #:	RES 12-0062	Name:	CSA75 Delinquent Fees
Type:	BoS Resolution	Status:	Passed
File created:	5/31/2012	In control:	Board of Supervisors
On agenda:	6/19/2012	Final action:	6/19/2012
Title:	<p>Acting on behalf of County Service Area 75 - Chualar:</p> <p>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 County Service Area 75 - Chualar;</p> <p>b. Consider adopting a Resolution confirming the 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</p> <p>c. Consider authorizing the Clerk of the Board to file a certified copy of the confirmed report with the Auditor-Controller.</p>		
Sponsors:	Public Works / RMA		
Indexes:			
Code sections:			
Attachments:	1. Resolution, 2. Exhibit A - Past Due Accounts for County Service Area 75 - Chualar, 3. Location Map, 4. Completed Board Order & Resolution No. 12-147, 5. Recorded Page & Notice of Exemption		

Date	Ver.	Action By	Action	Result
6/19/2012	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 or objections to the report by landowners liable to be assessed for delinquent fees for County Service Area 75 - Chualar;
- b. Consider adopting a Resolution confirming the 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. Consider authorizing the Clerk of the Board to file a certified copy of the confirmed report with the Auditor-Controller.

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 County Service Area 75 - Chualar;
- b. Consider adopting a Resolution confirming the 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. Consider authorizing the Clerk of the Board to file a certified copy of the confirmed report with the Auditor-Controller.

SUMMARY/DISCUSSION:

This hearing was set by Board action on May 22, 2012, and it has been properly noticed. The proposed actions will result in placing delinquent fees for sanitation assessment service charges for County Service Area (CSA) 75 - Chualar on the tax rolls to facilitate collections. This assessment will be in the form of a Lien placed on the subject property until such time that the delinquent balance is paid in full.

In 1999, the Board 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 adopted Ordinance No. 04225 establishing procedures for collecting delinquent fees for CSA 75 - Chualar. 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 - Chualar have accrued significant unpaid balances for calendar year 2011 on accounts for 19 parcels despite multiple billing notices. On April 3, 2012, property owners were notified by letter that they have delinquent accounts. The letter informed property owners that the delinquent amount as of December 31, 2011, was subject to collection through a lien on their property. On May 30, 2012, notices of the June 19, 2012 hearing were mailed to property owners listed on the report.

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 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, 2011, for calendar year 2011 currently total \$3,882.01 from 19 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 \$3,882.01. All calendar year 2011 past due service charges and penalty fees collected will be deposited in the CSA 75 - Chualar (Fund 093). The report of delinquent accounts first presented to your Board on May 22, 2012, has been revised to reflect full and partial payments received to date.

Prepared by: Dirk J. Medema, P.E., Environmental Services Manager, (831) 784-5647

Approved by:

Paul H. Greenway, P.E., Acting Director of Public Works

Approved by:

Benny J. Young, RMA Director

Dated: June 8, 2012

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