



Legislation Text

File #: 17-409, **Version:** 1

Set July 25, 2017 as a noticed public hearing date to consider adopting a resolution confirming delinquent accounts for mandatory garbage collection, disposal and recycling services in the unincorporated areas of Vacaville, Dixon and Elmira; Approving a \$50 administrative charge for lien processing; Directing the Clerk of the Board to file a certified copy of the resolution with the County Recorder; Authorizing the County Auditor-Controller to impose the delinquent fees and administrative charges as special assessments on the FY2017/18 property tax roll; Authorizing the Department of General Services to record a Release of Lien when delinquent amounts are paid; and Direct the Clerk of the Board to publish the notice of public hearing in the Vacaville Reporter at least 10 days prior to the hearing date

Published Notice Required? Yes ☐ No ☒
Public Hearing Required? Yes ☐ No ☒

DEPARTMENTAL RECOMMENDATION:

The Department of General Services recommends that the Board of Supervisors:

1. Set July 25, 2017 as a noticed public hearing date to consider adopting a resolution:
 - a.) Confirming delinquent accounts for mandatory garbage collection, disposal and recycling services in the unincorporated areas of Vacaville, Dixon and Elmira;
 - b.) Approving a \$50 administrative charge for lien processing;
 - c.) Directing the Clerk of the Board to file a certified copy of this resolution with the County Recorder thus allowing the placement of liens against the parcels contained in the confirmed report of delinquent accounts;
 - d.) Authorizing the County Auditor-Controller to impose the delinquent fees and administrative charges as special assessments on the FY2017/18 property tax roll; and
 - e.) Authorizing the Department of General Services to record a Release of Lien when delinquent amounts are paid.
2. Direct the Clerk of the Board to publish the notice of public hearing (Attachment A) in the Vacaville Reporter at least 10 days prior to the hearing date.

SUMMARY:

In accordance with a service agreement with the County, Recology (formerly Vacaville Sanitary Service) provides mandatory garbage collection, disposal and recycling services for approximately 3,000 homeowners and customers in the unincorporated areas surrounding the cities of Vacaville and Dixon, including Elmira. Solano County Code section 23-72 allows the provider of mandatory garbage services to assign accounts that have gone unpaid for more than 60 days to the County for collection. A list of these accounts can be provided to the County once per year during the month of May.

A noticed public hearing is required under California Government Code section 25831. The Board shall hold a public hearing where they shall hear the report of delinquent fees and any objections or protests to the report. The Board may make revisions or corrections to the report as it deems just, after which by resolution, the report shall be confirmed. Adoption of the resolution confirming delinquent garbage accounts at the noticed public hearing will enable the County to place liens on properties with delinquent garbage accounts and collect the unpaid amount plus the \$50 administrative charge per account on the property tax bills.

The noticed public hearing date of July 25, 2017 will allow the confirmed report of delinquent accounts to be submitted to the Auditor-Controller's Office by the August 7, 2017 deadline in order to impose the delinquent fees and administrative charges as special assessments on the FY2017/18 property tax roll.

FINANCIAL IMPACT:

The collection of the delinquent fees will be remitted to Recology, while the \$50 administration charge per account will be transferred to the Real Estate Services Division (Budget Unit 1642) to cover the costs of processing the delinquent fees including the release of liens. These revenues have been included in the FY2017/18 Recommended Budget.

DISCUSSION:

Recology sends delinquency notices to property owners for bills that have not been paid within 30 days of the billing date at which time those accounts become delinquent. Solano County Code section 23-72 was amended on October 6, 2009 to require that these notices be sent within 15 days after the date of the delinquency. Recology submits to the County, on an annual basis, a current report of accounts that have gone unpaid for more than 60 days as of May 1st for assignment to the County. In early June, Recology sends the affected property owners a final delinquency notice via certified mail stating that they can appear before the Board of Supervisors at a noticed public hearing on July 25, 2017 to object to the delinquent charges.

A noticed public hearing to confirm delinquent garbage service accounts is mandatory pursuant to the contractual requirements of the service agreement with Recology, California Government Code section 25831, and section 23-72 of the Solano County Code. The Board of Supervisors must hear any objections or protests to the report of delinquent accounts from liable landowners, make any revisions or corrections as deemed appropriate and confirm the report of delinquent accounts by resolution.

ALTERNATIVES:

The Board could choose to set another noticed public hearing date to confirm delinquent accounts for the unincorporated areas of Vacaville, Dixon and Elmira. This alternative is not recommended since requests to impose special assessments for FY2017/18 must be received by the Auditor-Controller's Office by August 7, 2017. The hearing date of July 25, 2017 will guarantee the delivery of the confirmed report of delinquent accounts by the deadline.

OTHER AGENCY INVOLVEMENT:

County Counsel has previously reviewed the lien process for legal sufficiency. The Auditor-Controller's Office has notified General Services of the deadline to include special assessments for the FY2017/18 real property tax roll being prepared.

CAO RECOMMENDATION:

APPROVE DEPARTMENTAL RECOMMENDATION