

GARDEN GROVE SANITARY DISTRICT

INTER-DEPARTMENT MEMORANDUM

To:	Matthew J. Fertal	From:	Kingsley Okereke
Dept.:	General Manager	Dept.:	Finance Director
Subject:	PUBLIC HEARING TO LIEN DELINQUENT BILLED REFUSE ACCOUNTS	Date:	June 9, 2009

OBJECTIVE

Request that the Garden Grove Sanitary District Board of Directors conduct a public hearing related to the delinquent solid waste disposal fees; approve the attached resolution and direct staff to file the necessary documentation with the County for assessment on the appropriate parcels.

BACKGROUND

The Garden Grove Sanitary District bills quarterly for service. If a billing is not paid, a reminder is mailed to the individual who is responsible for the service. In addition, if the tenant doesn't pay for the service, the landlord is notified of non-payment in the third month of the billing cycle. If a bill for service remains unpaid for a period of sixty (60) days, at the end of the fiscal year the assessment process outlined below is implemented.

Pursuant to the requirements of California Health and Safety Code Section 5473 et. seq. the public must be noticed that certain properties within the Garden Grove Sanitary District boundaries are to be assessed for rubbish disposal bills which are delinquent for a period of sixty (60) days. The last billing was prepared and mailed in March 2009, and all charges on that billing became delinquent by May 20, 2009. Sixty (60) days after the delinquency date, the delinquent amount plus the associated penalty, which is a stand alone 10% for each quarterly billing, and the interest, 1 1/2% of each quarterly outstanding bill, may be filed with the County Auditor prior to August 10, 2009. Upon recordation by the County Recorder, the amount submitted by parcel shall be collected at the same time and in the manner as are County property taxes and shall be subject to the same penalties and to the same procedure for foreclosure and sale as provided for ordinary County taxes.

Prior to the delinquent amount becoming a lien against the property, the individual property owner is notified of the delinquent amount and the public hearing. To further ensure that all parties are aware of the potential lien, a notice announcing this hearing date is published in a local newspaper. Since individuals may pay the delinquent amount, the delinquent list changes frequently, therefore a list is not attached. However, on the night of the hearing, staff will have a current list available. For clarification, the procedure outlined above is the same one followed by the Garden Grove Sanitary District in the past.

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FISCAL IMPACT

In order for charges to continue to be collected on the tax roll, the Board is required to hold a public hearing on whether to adopt the report detailing charges proposed to be collected on the tax rolls.

COMMUNITY VISION IMPLEMENTATION

Adoption of these lien assessments will support the community vision of facilitating the administration of public services extended to the community.

RECOMMENDATION

It is recommended that the Garden Grove Sanitary District Board of Directors:

- Conduct the public hearing and approve the attached resolution (with at least four affirmative votes), and direct staff to file the necessary documentation with the County for the collection of the fees on the property tax bills.



Kingsley Okereke
Finance Director



By: Monica Neely
Revenue Manager

Approved for Agenda Listing



Matthew Fertal
General Manager

Attachment
Resolution

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE GARDEN GROVE SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA OVERRULING PROTESTS TO THE PROPOSED CHARGE FOR DELINQUENT TRASH DISPOSAL ACCOUNTS, AND ADOPTING SAID REPORT.

THE BOARD OF DIRECTORS OF THE GARDEN GROVE SANITARY DISTRICT, ORANGE COUNTY, CALIFORNIA, HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the Garden Grove Sanitary District finds and declares General Regulation Ordinance as implemented by Resolution No. 3592, providing for the collection of delinquent charges with general taxes pursuant to provisions of the California Health and Safety Code was passed and adopted on the 17th day of May, 1995; and

WHEREAS, thereafter a public hearing was set for the regular meeting of the Garden Grove Sanitary District on the 9th day of June, 2009, held in the Community Meeting Center at 11300 Stanford Avenue, Garden Grove, California, at the hour of 6:30 p.m.; and

WHEREAS, the Secretary has caused notice of said hearing to be published in a newspaper of general circulation on May 21st, and May 28th within the District pursuant to Section 6066 of the Government Code; and

WHEREAS, the Secretary has caused a notice in writing of said hearing to be mailed to each person owning any parcel or parcels of real property described in said report as per the last equalized assessment roll available on the date said report was prepared; and

WHEREAS, the Board finds and declares that written objections and those parties objecting in person do not constitute the owners of a majority of the separate parcels of property described in the report; and

WHEREAS, after hearing all objections pursuant to provisions of the Health and Safety Code 5473; and

WHEREAS, pursuant to the objections lodged in person and in writing at the time of the hearing, the Board may find it necessary to revise, change and modify certain charges on certain classes of property.

NOW, THEREFORE, BE IT RESOLVED:

1. That the report as written, or as revised and changed is hereby adopted.
2. That the Secretary be instructed to file a copy of the report with the County Auditor prior to the 10th day of August, 2009, for the purpose of adding the delinquent refuse service charges to the tax roll.

X