GARDEN GROVE SANITARY DISTRICT

INTER-DEPARTMENT MEMORANDUM

To:

Matthew J. Fertal

From:

Kingsley Okereke

Dept.:

General Manager

Dept.:

Finance Director

Subject:

DELINQUENT REFUSE ACCOUNTS

Date:

June 14, 2011

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

Republic Waste Services bills customers quarterly for Solid Waste Disposal. 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 of the 2011 fiscal year was prepared and mailed in February of 2011 and all charges on that billing became delinquent by May 20, 2011. 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, 2011. 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. The report is on file and available for viewing in the office of the City Clerk.

HEARING ON DELINQUENT REFUSE BILLS June 14, 2011 Page 2

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 approve the report detailing charges proposed to be collected on the tax rolls.

RECOMMENDATION

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

- > Conduct the public hearing;
- > Approve the attached resolution (with at least four affirmative votes adopting the report), 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

Attachment

Resolution

Approved for Agenda Listing

Matthew Fertal General Manager

GARDEN GROVE SANITARY DISTRICT

RESOLUTION NO.

A RESOLUTION OF THE GARDEN GROVE SANITARY DISTRICT
OF ORANGE COUNTY, CALIFORNIA, OVERRULING PROTESTS TO THE PROPOSED
CHARGE FOR DELINQUENT TRASH DISPOSAL ACCOUNTS REPORT 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 May 17, 1995;

WHEREAS, thereafter a Public Hearing was set for the Adjourned Regular Meeting of the Garden Grove Sanitary District on June 14, 2011, to be held in the Council Chamber of the Community Meeting Center at 11300 Stanford Avenue, Garden Grove, California, at 6:30 p.m.;

WHEREAS, the Secretary has caused notice of said Public Hearing to be published in a newspaper of general circulation on May 26, 2011, and June 2, 2011, within the District pursuant to Section 6066 of the Government Code;

WHEREAS, the Secretary has caused a notice in writing of said Public 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;

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;

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 Public Hearing, the Board may find it necessary to revise, change, and modify certain charges on certain classes of property.

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NOW, THEREFORE, BE IT RESOLVED:

- 1. That the Board of Directors of the Garden Grove Sanitary District hereby approves the report as written, or as revised, and hereby orders that the delinquent charges be collected on the tax roll in the same manner, by the same person, and at the same time as, together with and not separately from, the general taxes of the District.
- 2. That the Secretary be instructed to file a copy of the report with the County Auditor prior to August 10, 2011, for the purpose of adding the delinquent refuse service charges to the tax roll.