

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 26, 2012

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. This action requires four (4) affirmative votes in order to proceed with placing liens on the properties listed in the report.

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.

DISCUSSION

Pursuant to the requirements of the California Health and Safety Code, the public must be noticed that certain properties within the Garden Grove Sanitary District boundaries are to be assessed for rubbish disposal bills that are delinquent for a period of sixty (60) days. The last billing of the 2011-2012 fiscal year was prepared and mailed in February 2012, and all unpaid charges on that billing became delinquent May 1, 2012. Sixty (60) days after the delinquency date, the delinquent amount, plus the associated penalty of 10% for each quarterly billing, may be filed with the County Auditor prior to August 10, 2012. 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.

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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. For clarification, the procedure outlined above is the same one followed by the Garden Grove Sanitary District in the past. The report of delinquent accounts is on file and available for viewing in the office of the City Clerk. An updated report will be available at the meeting.

FISCAL IMPACT

In order for the delinquent and unpaid charges 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;
- Adopt 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 delinquent 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 BOARD OF DIRECTORS OF THE GARDEN GROVE
SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING A REPORT AND
CERTIFYING A STATEMENT OF DELINQUENT AND UNPAID CHARGES FOR REFUSE
DISPOSAL SERVICES TO BE COLLECTED ON THE PROPERTY TAX ROLLS

WHEREAS, the Board of Directors of the Garden Grove Sanitary District has considered the report containing a statement of delinquent and unpaid charges for refuse disposal services owed to the District and remaining delinquent and unpaid for a period of 60 days or more presented to it at its meeting of June 26, 2012;

WHEREAS, the Board of Directors wishes to have such delinquent and unpaid charges, which remain delinquent and unpaid as of July 1, 2012, to become a lien against the parcels to which such requested refuse disposal services were provided and to be collected on the tax rolls;

WHEREAS, at the Regular Meeting of the Garden Grove Sanitary District on June 26, 2012, held in the Community Meeting Center at 11300 Stanford Avenue, Garden Grove, California, at 6:30 p.m., the Board of Directors held a duly noticed Public Hearing, at which all oral and written comments, objections, and protests to the report were heard;

WHEREAS, the Secretary has caused notice of said report and Public Hearing to be published in a newspaper of general circulation on June 7, 2012, and June 14, 2012, within the District pursuant to Section 6066 of the Government Code; and

WHEREAS, the Secretary has caused a notice in writing of said report and Public Hearing, which notice states that these delinquent and unpaid charges could become a lien on the property, 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE GARDEN GROVE SANITARY DISTRICT, ORANGE COUNTY, CALIFORNIA AS FOLLOWS:

1. The report presented as written at the meeting at which this Resolution was adopted, or as revised and changed, is hereby adopted.
2. The Board of Directors of the Garden Grove Sanitary District hereby certifies to the Orange County Board of Supervisors and the Orange County Auditor that the delinquent and unpaid charges for refuse collection services stated in the report adopted pursuant to this Resolution remain delinquent and unpaid for a period of sixty (60) days, and requests that such delinquent charges unpaid as of July 1, 2012, 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. The General Manager of the District, or his designee, shall file all necessary documentation with the County of Orange for the collection of the delinquent and unpaid charges on the property tax roll.

3. That the Secretary be instructed to file a copy of the report with the County Auditor prior to August 10, 2012, for the purpose of adding the delinquent refuse service charges to the tax roll.