



# City of Rialto

## Legislation Text

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**File #:** 20-0047, **Version:** 1

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For City Council Meeting [January 28, 2020]

TO: Honorable Mayor and City Council

APPROVAL: Rod Foster, City Manager

FROM: Savat Khamphou, Public Works Director/City Engineer

Request City Council to Set a Public Hearing for March 10, 2020, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 3rd Quarter of the 2019 Calendar Year.

### **BACKGROUND**

Each of the property owners on the "Proposed Address List for Delinquent Refuse Liens" is delinquent with payment of the refuse collection bills for their property. Although billed at the last known address on file for services provided, outstanding charges remain unpaid. Rental properties are the responsibility of the property owner. Consequently, liens are filed against the property for the full amount of any unpaid past due charges for services rendered. A list of the properties affected by the proposed liens is included as Attachment 1.

### **ANALYSIS/DISCUSSION**

The City seeks to place a separate lien against each of the 68 residential and 20 commercial properties to secure monies owed. In the event that any of the properties are sold prior to collection, or are sold prior to the placement of liens, the amounts owed may not be recovered. This action requires the City Council to schedule a Public Hearing to review and approve the placement of liens related to delinquent refuse accounts. Staff recommends that Council set the Public Hearing for March 10, 2020.

Section 8.08.140 of the Rialto Municipal Code (RMC) authorizes placement of liens against properties with refuse collection accounts that are more than 90 days delinquent. Lien placement requests brought before the City Council are for delinquencies that have accrued during the third quarter (July, August and September) of 2019. After scheduling the Public Hearing, the City will mail official notices to the owners of the properties shown on the attached list of addresses not less than 21 days prior to the date of the public hearing giving customers ample noticing time.

### **ENVIRONMENTAL IMPACT**

The placement of liens is exempt from the California Environmental Quality Act (CEQA) review in accordance with Section 15268, Ministerial Projects. Section 15268 allows for public agencies to make non-discretionary determinations as part of implementing its regulations.

### **GENERAL PLAN CONSISTENCY**

Approval of this action complies with the City of Rialto General Plan Goals and Policies:

**Measure 8.43:** Provide Solid Waste and Recycling Programs, which states: continue to meet the community's needs for solid waste disposal and recycling, and provide that operations are done in an efficient and cost effective manner.

**LEGAL REVIEW:**

The City Attorney has reviewed and supports this staff report.

**FINANCIAL IMPACT**

**Operating Budget Impact:**

By not placing liens against the listed properties, the City and Burrtec Waste may not recover the amounts owed for trash collecting services provided previously to these properties totaling \$16,098.45. The City receives an administrative fee of \$5.00 per parcel when the lien is collected which is allocated to Waste Management Administration - Household Hazardous Waste Fee Account No. 212-400-7150-7910. The estimated total revenue to the City for this action is \$440. San Bernardino County charges \$0.30 per parcel which is allocated to Delinquent Refuse Liens Account No. 830-235-0000-0000. The total County charge for the placement of liens is \$26.40.

During the 2018/19 Tax Assessment, the total amount submitted for delinquent accounts was \$110,501.34. The total amount recovered is \$104,940.20, or 94.97%. A total of 31 accounts remain unpaid in the amount of \$ 5,561.14. This unrecovered amount ranges from 5% to 10% annually and is a result of property owners failing to pay their annual property tax bill.

**Capital Improvement Budget Impact:**

There is no impact to the Capital Improvement Budget related to the placement of liens for unpaid trash disposal.

**Licensing:**

A Business License application and payment of a Business License tax is not required for this action.

**RECOMMENDATION**

Staff recommends that the City Council schedule a Public Hearing for March 10, 2020, to consider approving the placement of liens against the properties identified on the attached list of delinquent refuse accounts as authorized by Section 8.08.140 of the Rialto Municipal Code.