



# City of Rialto

## Legislation Text

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File #: 20-0342, Version: 1

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For City Council Meeting [May 26, 2020]

TO: Honorable Mayor and City Council

APPROVAL: Rod Foster, City Manager

FROM: Savat Khamphou, Public Works Director/City Engineer

Request City Council to Conduct a Public Hearing for the Placement of Liens for Delinquent Refuse Collection Accounts for the Fourth Quarter of 2019; and Adopt a Resolution Authorizing the Filing of Liens Against Certain Properties for Delinquent Refuse Accounts with the San Bernardino County Assessor-Recorder-County Clerk.

**(ACTION)**

### **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 Exhibit A to the Resolution included as **Attachment 1**.

### **ANALYSIS/DISCUSSION**

On April 28, 2020, the City Council approved the request to set a Public Hearing for May 26, 2020, to review and consider approval of the placement of liens related to delinquent refuse accounts.

The action to seek the placement of a separate lien against each of the 57 residential and 16 commercial properties is in the best interests of the City. In the event any of the properties are sold prior to the amounts being collected or are sold prior to the placement of liens, the amounts owed may not be recovered. The number of liens and the corresponding lien amounts may change if the property owners pay the owed amount prior to recordation of the lien with the San Bernardino County Assessor-Recorder-County Clerk’s Office.

Section 8.08.140 of the Rialto Municipal Code (RMC) authorizes placement of liens against properties with refuse collection accounts that are delinquent more than 90 days and dictates the process for notification to each affected property owner. Lien placement requests brought before the City Council are for delinquencies that have accrued 90 days prior to the service provider's last billing cycle. As required by law and the RMC, on April 28, 2020, the City Council scheduled a Public Hearing for May 26, 2020, and the City mailed notices to the owners of the properties shown on Attachment 1 not less than 21 days prior to the Public Hearing. The proof of mailing is included as **Attachment 2**.

### **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 \$13,122.80. 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 \$365.00. 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 \$21.90.

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:

- Conduct a Public Hearing to consider the placement of liens against the delinquent properties identified on Exhibit A of the Resolution; and
- Adopt a Resolution Authorizing the Filing of Liens against certain properties for Delinquent Refuse Accounts with the San Bernardino County Auditor Controller-Recorder's Office.