



City of Rialto

Legislation Text

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For City Council Meeting [September 13, 2022]

TO: Honorable Mayor and City Council

APPROVAL: Marcus Fuller, City Manager

FROM: Timothy Sullivan, Director of Maintenance and Facilities

Request City Council to: (1) Conduct a Public Hearing for the Placement of Liens for Delinquent Refuse Collection Accounts for the First Quarter of 2022; and (2) Adopt **Resolution No. 7976** 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 attached as Exhibit A to the Resolution included in **Attachment 1**.

ANALYSIS/DISCUSSION

On July 26, 2022, the City Council approved the request to set a Public Hearing for September 13, 2022, to review and consider approval of the placement of liens related to delinquent refuse accounts.

Section 8.08.140 of the Rialto Municipal Code (RMC) authorizes the placement of liens against properties with refuse collection accounts that are delinquent for 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 July 26, 2022, the City Council scheduled a Public Hearing for September 13, 2022, and the City mailed notices to the owners of the properties shown in the Resolution not less than 21 days prior to the Public Hearing. The proof of mailing is included as **Attachment 2**.

The action to seek the placement of a separate lien against each of the 58 residential and 11 commercial properties on a quarterly routine is in the City's best interests because if any of the subject properties are sold before the placement of liens, the amounts owed may not be recovered. From time to time, the number of liens and the corresponding lien amounts may change if the property owners pay the sum owed before the recordation of the lien with the San Bernardino County Assessor-Recorder-County Clerk's Office.

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 \$13,710.76. The City receives an administrative fee of \$5.00 per parcel when the lien is collected, which is allocated to Waste Management Administration Fee Account No. 212-400-7150-7910. The estimated total revenue to the City for this action is \$345. 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 \$20.70.

During the 2021/22 Tax Assessment, the total amount submitted for delinquent accounts was \$8,223.57. The total amount recovered is \$8118.29, or 98.72%. A total of 1 account remains unpaid in the amount of \$105.28. This unrecovered amount ranges from 1% to 6% 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.