

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

ADOPT RESOLUTION No. 2009-05, TO RECORD DELINQUENT UTILITY FEES AND COSTS AND CODE ENFORCEMENT FEES AGAINST REAL PROPERTY LOCATED IN THE TOWN OF APPLE VALLEY AND DIRECTING THAT SAID ASSESSMENTS CONSTITUTE A LIEN UPON SAID PROPERTIES

Summary Statement:

The Government Code allows cities to collect delinquent rubbish collection and Code accounts by recording a lien against the real property and adding that amount to the property tax bill. The Town has identified the delinquent rubbish collection accounts as those listed in Exhibit A.

All of the billing parties and the property owners have received sufficient notification of the delinquency, and have been notified of the Public Hearing to apply the delinquency to the property tax bill. For delinquent rubbish collection accounts, please see the flow chart attached (Attachment 1) which illustrates how many times the delinquent rubbish collection billing parties and property owners have been notified. The correspondence also offers an opportunity to make corrections. A sample of one of the letters is also attached (Attachment 2).

Recommended Action:

1. Open Public Hearing; Close Public Hearing
2. Adopt Resolution No. 2009-05, confirming delinquent utility fees and costs against real property located in the Town, and directing that said assessments constitute a lien upon said properties.

In addition to the notices and this Public Hearing, Town Finance staff allows billing parties and property owners until Thursday, February 19, 2009, to pay the delinquency before the lien is processed. In addition, Finance staff is in the audience and is prepared tonight to accept payments.

Proposed by: Finance Department

Item Number _____

T. M. Approval: _____

Budgeted Item Yes No N/A

Sample Sequence of Notification for Sanitation Delinquencies

Residential

Feb	Bill for February and March
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If not paid

April	Bill for February, March, April, May with message: <i>Payment is due upon receipt</i>
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If not paid

June	Bill for February, March, April, May, June and July with message: <i>Your account is past due. Avoid lien action - pay immediately.</i>
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If not paid

July	Mail lien notification letter to billing party and property owner (if different.) Ex A, B
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If not paid

August	Bill for Feb, March, April, May, June, July and August with message: <i>Continued delinquency has resulted in your account being submitted to the Town for lien action.</i>
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If not paid

Lien property	
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Commercial

Feb	Bill for February
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If not paid

March	Bill for Feb and March with message: <i>Your account is past due and subject to stop service. Avoid lien action - pay immediately</i>
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If not paid

1 week later	Letter sent to billing party and to property owner (Ex A)
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If not paid

April	Bill for Feb, March, April with message: <i>Payment must be made immediately! Continued delinquency will result in your account being submitted to the Town for lien action.</i>
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If not paid

1 week later	Letter sent to billing party and property owner (Ex C)
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If not paid

May	Bill for Feb, March, April, May with message: <i>Continued delinquency has resulted in your account being submitted to the Town for lien action.</i>
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If not paid

1 week later	Mail lien notification letter to the billing party and property owner. Ex D
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If not paid

Lien property	
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ATTACHMENT 1

TOWN OF APPLE VALLEY
FINANCE DEPARTMENT
14955 DALE EVANS PARKWAY
APPLE VALLEY, CA 92307
(760) 245-8607

REVISED 12/19/08

Date

NAME
ADDRESS
CITY, STATE, ZIP

REFERENCE:	ACCOUNT #:	XX XXXXX	BALANCE: \$XXX.XX
	SERVICE ADDRESS:	22035 MOHICAN AV	
		APPLE VALLEY, CA 92307	
	APN:	XXXX-XXX-XX-XXXX	

Our records indicate that although we have sent previous letters and notices, your sewer and or sanitation account shown above remains delinquent. Delinquent sewer and or sanitation accounts are the responsibility of the property owner.

Based on this continued delinquency and in preparation to lien the property, the past due amount has been separated into its own account. You now have two separate accounts: one for the past due amount, and one for current amounts. This separation of accounts will be reflected in future billings.

If this bill remains unpaid, the next step in the collection process is for us to place a lien against your property for the amount of this delinquency, plus an administrative fee of \$50. The lien will appear as an addition on your property tax bill. To avoid this action, please do one of the following: 1) Make payment in full to the Town of Apple Valley immediately, or 2) If you are not the property owner, contact us immediately, or 3) If we are billing you in error, or if you believe you have made payments that are not reflected in the balance, please contact us immediately.

Unless corrective action is taken, the next step will be for the Town Council to examine this delinquency at a Public Hearing scheduled for Tuesday, February 10, 2009, at 7:00 p.m. at the Town of Apple Valley, 14955 Dale Evans Parkway, Apple Valley. Should the Council take the recommended action, a lien will be placed against your property for the amount of the delinquency, plus an administrative fee of \$50.

You are not required to attend the Public Hearing unless you wish to contest this bill. In all cases, we would prefer to resolve this matter prior to the Public Hearing.

If this account remains delinquent, the next correspondence regarding this account will be notification from the Town of Apple Valley that a lien has been placed on this property.

If we can provide additional information or assistance, please do not hesitate to contact us at (760) 245-8607, Monday through Friday, 8:00 AM to 5:00 PM.

ATTACHMENT #2

RESOLUTION NO. 2009-05

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, CONFIRMING DELINQUENT UTILITY AND CODE ENFORCEMENT FEES AND COSTS AGAINST REAL PROPERTY LOCATED IN THE TOWN OF APPLE VALLEY AND DIRECTING THAT SAID ASSESSMENTS CONSTITUTE A LIEN UPON SAID PROPERTIES

WHEREAS, pursuant to Section 38773.5 of the Government Code and Town Ordinances enacted pursuant thereto, the Town of Apple Valley has prepared a report setting forth the costs of delinquent utility fees and code enforcement fees on certain real property within the Town, and;

WHEREAS, having received and considered said report, and having noticed the affected property owners and given them an opportunity to be heard;

NOW, THEREFORE, BE IT RESOLVED, FOUND, DETERMINED AND ORDERED BY THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, AS FOLLOWS:

1. The report setting forth the costs of delinquent utility fees and code enforcement fees and a description of each property upon which an assessment is made, copies of which is attached hereto and incorporated herein by this reference, is confirmed.
2. A certified copy of the confirmed report shall be filed with the Town Clerk.
3. A certified copy of the Resolution of Confirmation shall be transmitted to the Recorder of the County of San Bernardino for recording and to the Assessor and Tax Collector of the County of San Bernardino and after recordation, shall constitute special assessments against the property to which they relate, and shall constitute liens on the property in the amount of the assessment to be added to the tax bill next levied against the property.

APPROVED AND ADOPTED THIS 10th day of February, 2009

MAYOR

ATTEST:

TOWN CLERK