

**TOWN OF
APPLE VALLEY, CALIFORNIA**

AGENDA MATTER

Subject Item:

RESOLUTION 2011-04, 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).

In addition to the notices and this Public Hearing, Town Finance staff allows billing parties and property owners until Tuesday, February 17, 2011, to pay the delinquency before the lien is processed. In addition, Finance staff is in the audience and is prepared tonight to accept payments.

Recommended Action:

1. Open Public Hearing; Close Public Hearing
2. Adopt Resolution No. 2011-04, confirming delinquent utility fees and costs against real property located in the Town, and directing that said assessments constitute a lien upon said properties.

Proposed by: Finance Department

Item Number _____

T. M. Approval: _____

Budgeted Item Yes No N/A

Sample Sequence of Notification for Sanitation Delinquencies

Residential

August	Bill for August and September <i>Payment is due upon receipt.</i>
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If not paid

October	Bill for August, Sept., Oct., Nov. with message: <i>Your account is past due. Avoid lien action - Please pay immediately.</i>
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If not paid

December	Bill for August, Sept., Oct., Nov., Dec. and Jan. with message: <i>Continued delinquency may result in your account being recommended for lien action to the Town Council of the Town of Apple Valley.</i>
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If not paid

Dec. 10	Mail Delinquent Owner Notification Letter (Exh A)
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Dec. 28	Pre-Lien Letter sent to property owner (Exh B)
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If not paid

Feb.	Lien property & mail Lien Notification Letter to property owner. (Exh C)
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Commercial

August	Bill for August <i>Payment is due upon receipt.</i>
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If not paid

Sept.	Bill for August and Sept. with message: <i>Your account is past due. Avoid lien action - Please pay immediately.</i>
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If not paid

Oct.	Bill for Aug., Sept., Oct. with message: <i>Payment must be made immediately! Continued delinquency will result in your account being submitted to the Town of Apple Valley Council for Lien Action.</i>
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If not paid

Nov.	Bill for Aug., Sept., Oct., Nov. with message: <i>Continued delinquency may result in your account being recommended for lien action to the Town Council of the Town of Apple Valley.</i>
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If not paid

Dec. 10	Mail Delinquent Owner Notification Letter (Exh A)
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Dec. 28	Pre-Lien Letter sent to property owner (Exh B)
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If not paid

Feb.	Lien property & mail Lien Notification Letter to property owner. (Exh C)
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ATTACHMENT 1

H:Sanitation Delinquency Sequence

NOTICE OF PUBLIC HEARING

TOWN OF APPLE VALLEY

Tuesday, February 8, 2011
Beginning at 6:30 PM
Town of Apple Valley
14955 Dale Evans Parkway
Apple Valley, CA 92307

A Public Hearing has been scheduled before the Town Council of the Town of Apple Valley to consider the following:

Proposal: A RESOLUTION OF THE TOWN OF APPLE VALLEY
ESTABLISHING DELINQUENT UTILITY FEES AND CODE
ENFORCEMENT FEES AS DEBTS TO THE TOWN AND DIRECTING
THAT THEY BE RECORDED AGAINST THE REAL PROPERTY
NOW AND ADDED TO THE 2011-2012 COUNTY TAX ROLL

Location: Town-wide

This is a Resolution to record delinquent rubbish collection accounts and code enforcement fees on the property tax bills as a lien against the property now and add them to the 2011-2012 property tax roll.

Any person affected by the proposal may appear and be heard in support or opposition to the proposal at the time of the Public Hearing.

The Town, in their deliberation, could approve the proposal, deny the proposal, or approve the proposal in an alternative form.

If you challenge the proposal in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered prior to the Public Hearing to the Town Clerk, 14955 Dale Evans Parkway, Apple Valley, California, 92307

Publish Dates: January 28, 2011 and February 04, 2011

H:\Finance\Liens - Assessments\2010-11 Winter Lien 94's\Lien Notice Jan-Feb 2011.doc

RESOLUTION NO. 2011-04

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 8th day of February, 2011

MAYOR

ATTEST:

TOWN CLERK