

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**RESOLUTION 2011-39, TO RECORD DELINQUENT ANIMAL CONTROL FEES, 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 animal services fees, rubbish collection and sewer fees, 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 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. 2011-39, 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, July 28, 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.

**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 <i>Payment is due upon receipt.</i>
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If not paid

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

June	Bill for February, March, April, May, June and July 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

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

July	Hold Public Hearing to establish that assessments constitute a lien upon property.
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August	Mail Lien Notification Letter to property owner (Exh C), final lien list to record with the County Recorder's office, and assessment data to County Tax Collector's office.
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**Commercial**

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

March	Bill for Feb and March with message: <i>Your account is past due. Avoid lien action - Please pay immediately.</i>
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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 of Apple Valley Council for Lien Action.</i>
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If not paid

May	Bill for Feb, March, April, May 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

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

July	Hold public hearing to establish that assessments constitute a lien upon property.
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August	Mail Lien Notification Letter to property owner (Exh C), final lien list to record with the County Recorder's office, and assessment data to County Tax Collector's office.
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**ATTACHMENT 1**

H:\Everyone\Agenda\2011\110726\Sanitation Summer Lien Attachment 1

Town of Apple Valley  
14957 Dale Evans Parkway  
Apple Valley, CA 92307

(760) 243-3967

Parcel: xxxx-xxx-xx-0000  
Account: XX xxxxx  
AMOUNT PAST DUE: \$ XXX.XX

June 03, 2011

Service Address: xxxxxxxx  
Apple Valley, CA 9230x

**OWNER DELINQUENCY NOTIFICATION LETTER**

John Doe  
17231 Highway 18  
Apple Valley, CA 92394

Owner  
Mailing  
Address

Dear Customer:

The trash and (or) sewer bill for the above service address is currently delinquent and is subject to lien. The County Assessor has verified that you are listed as the current owner. If there is an error in the public records, it is imperative that our office be contacted immediately to correct any errors.

The Town of Apple Valley Code requires weekly trash removal. Ordinance #34 Section 6.20.090, stipulates that all fees for trash service will be billed and collected in accordance with Town rules and regulations. If delinquent amounts are not paid, a lien may be placed against the property where the unpaid debt was accrued in compliance with Section 6.20.100 of the municipal code. With regard to residential and commercial properties, the property owner of record shall be responsible for paying the trash and (or) sewer service fees. Trash and sewer service rates are reviewed and approved by Town Council resolution in a public meeting.

A public hearing will be held for action to file a real property lien and authorization to add that lien to the extended property tax rolls. The lien amount will include past due charges plus administrative and recording fees.

Questions regarding your account should be directed to the Customer Service staff of AVCO Disposal, Inc. Monday through Friday from 8:00 a.m. to 5:00 p.m. at (760) 245-8607.

Please note that all payments should be made directly to the Town of Apple Valley at 14955 Dale Evans Parkway.

Thank you for your prompt attention to this matter.

TOWN OF APPLE VALLEY

**Attachment 2**

**RESOLUTION NO. 2011-39**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF APPLE VALLEY, CALIFORNIA, CONFIRMING DELINQUENT ANIMAL CONTROL, 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 animal control fees, 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 animal control fees, 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 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 by the Town Council of the Town of Apple Valley this 26<sup>th</sup> day of July, 2011.

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MAYOR

ATTEST:

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TOWN CLERK