

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA ASSESSING CERTAIN DELINQUENT SOLID
WASTE SERVICE CHARGES AS RECORDED LIENS UPON
THE RESPECTIVE PARCELS OF LAND AND APPROVING
PLACEMENT OF DELINQUENT CHARGES ON THE NEXT
REGULAR TAX BILL FOR COLLECTION

WHEREAS, in November 1998, the City Council amended Municipal Code Section 8.24.180 to eliminate suspension of solid waste service for nonpayment; and

WHEREAS, to ensure that all residents pay their fair share of the costs of this program the ordinance allows for delinquent solid waste service charges to be assessed as recorded liens upon the affected properties and ultimately placed on the property tax bills for collection; and

WHEREAS, Section 8.24.180 requires that, once solid waste fees become more than ten days delinquent, the City's contract or franchise agent shall issue late notices to the responsible owners and occupants; and

WHEREAS, the Section further requires that, if an owner or occupant is delinquent on payment of a solid waste bill for a period of 90 days, the account shall be assigned to the City for collection, which must send a "final notice of delinquency," including the amount owed, penalty schedule, lien procedure and associated costs and administration fees, prior to setting the matter for hearing to consider a lien; and

WHEREAS, the Section provides that, if a solid waste service charge is not paid within 15 days after the final notice of delinquency, the matter may be set for a public hearing, at least seven calendar days after the 15-day period, following notification to the property owners; and

WHEREAS, the account status and property ownership of these accounts have been verified by both Republic Services (formerly Allied Waste Services) and City staff; and

WHEREAS, these property owners have been notified of their delinquencies through a series of past due notices sent by Republic Services, until they were ultimately submitted to the City for collection; and

WHEREAS, staff has notified the property owners of the public hearing and these owners were asked to pay their delinquent solid waste service charges prior to transmittal of the delinquent account list to the County to avoid a lien being placed on their property; and

WHEREAS, staff is recommending that the City Council approve the final list of delinquent solid waste service accounts as submitted, and that these charges be forwarded to the County and assessed as recorded liens on the respective parcels of land and ultimately placed on the next regular tax bill for collection;

WHEREAS, the City Council has held the requisite public hearing and considered the delinquent accounts together with any objections or protests presented by interested parties; and

WHEREAS, at the conclusion of the hearing, the City Council approved the delinquency and amount owed on the accounts as submitted.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it: (1) has considered assessing certain delinquent solid waste service charges, as detailed in the final list presented to the City Council for its consideration of this matter, as recorded liens on the affected properties; (2) has heard and overruled any and all protests or objections presented at the public hearing on this matter; and (3) approves, with respect to the delinquent account list submitted to the City Council and on file in the City Finance Department, assessing delinquent solid waste service charges as recorded liens upon the respective parcels of land and the placement of such delinquent charges as special assessments on the next corresponding regular tax bills, unless cleared prior to transmittal of the delinquent account list to the County.

Presented by

Approved as to form by

Maria Kachadoorian
Deputy City Manager/CFO

Glen R. Googins
City Attorney