



AGENDA REPORT
SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: July 17, 2012

Agenda Item 6D
Approvals: _____
City Manager _____
Dept. Head _____
Attorney _____
Finance _____

Department: Finance & Administrative Services
Prepared By: Thomas Rendina, Municipal Services Manager

Subject: *PROPOSED TAX LIENS – 2011 WEED ABATEMENT AND 2012 STORM DRAIN/CLEAN OCEAN CHARGES.*

Summary: The Finance Division prepares a list each July of unpaid Weed Abatement and Storm Drain/Clean Ocean invoices and presents those lists to City Council for approval to add as assessments to the Orange County Tax rolls. All of these charges are eligible to add as assessments and staff believes this represents an efficient method of processing these unpaid liabilities for Council approval and an efficient tool in collection of the outstanding amounts due.

2011 Weed Abatement

On February 21, 2012, City Council held a public hearing and approved a motion to confirm the weed abatement report for 2011 and directing Stewart & Associates, the weed abatement contractor, to bill all parcel owners of lots that were cleared for the 2011 weed abatement process. \$8,019 currently remains unpaid for the 2011 abatement billings. The prior year (2010) unpaid weed abatement billings totaled \$9,840 and the five year average equals \$11,560. Staff is requesting City Council authorization to attach the amount of each unpaid bill as a special assessment (lien) against the corresponding property through the Orange County Auditor-Controller. A listing of the 2011 unpaid weed abatement charges, by parcel number, is attached to this report (Exhibit "A").

Administrative charges of \$200 per parcel were added to the actual cost of the contractors charge for weed abatement. The administrative charge represents 50% of the total weed abatement charge. City Council approved a fixed \$200 Administrative Charge per parcel on May 2, 2006, replacing a variable calculation previously utilized.

Storm Drain/Clean Ocean Charges

Storm Drain and Clean Ocean Fees are billed to property owners within the City of San Clemente to develop and maintain the City's Storm Drain system and Clean Ocean initiatives. Property owners with Water and Sewer accounts are billed on a monthly basis while property owners who do not utilize the City's Water and Sewer system are billed semi-annually in January and July of each year for the previous six-month period. 4,630 accounts are billed on a semi-annual basis. 50 of those accounts have delinquent balances totaling \$13,566. Collection calls and reminder notices have proved to be ineffective methods of collection. Collection agencies charge 40% of the balance as a collection fee, making this form of collection, if successful, significantly more expensive than property tax liens.

California Health & Safety Code 5473 grants power to City Council to have these delinquent charges collected on the tax roll by a resolution approved by 2/3 of the Council members. Staff is requesting City Council authorization to attach the amount of each unpaid bill as a special assessment (lien) against the corresponding property through the Orange County Auditor-Controller. A listing of the unpaid charges by parcel numbers is attached to this report, (Exhibit A).

The County of Orange requires assessment submissions for the 2012-13 tax rolls on or before August 10, 2012. Staff typically presents the request for Council approval as close to the County's cutoff date as possible to allow property owners the maximum amount of time to pay the outstanding invoices prior to filing tax liens.

**Recommended
Action:**

STAFF RECOMMENDS THAT the City Council:

1. Adopt the attached Resolution No _____ entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD 2011 WEED ABATEMENT ASSESSMENTS TO THE FY 2012-13 TAX ROLLS, and
2. Adopt the attached Resolution No _____ entitled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT STORM DRAIN AND CLEAN OCEAN FEES TO THE FY 2012-13 TAX ROLLS, and
3. Direct the City Clerk to file the resolutions with the Orange County Auditor-Controller, thereby placing a lien on the affected properties in order to collect revenue owed to the City.

Fiscal Impact:

Yes. The City should receive the remaining \$8,019 as prior year weed abatement revenue from the fiscal year 2011 and \$13,566 of Storm Drain and Clean Ocean fee revenue from fiscal year 2012. The 2013 General Fund budget for weed abatement amounts to \$11,000. Storm Drain and Clean Ocean fees are not budgeted in the General Fund. Prior year revenues are not budgeted for Storm Drain and Clean Ocean fees.

Attachments:

Resolution No _____ authorizing property tax liens for unpaid 2011 weed abatement
Exhibit "A": Listing of all parcel numbers and amounts outstanding for 2011 weed abatement.

Resolution No _____ authorizing property tax liens for unpaid 2012 Storm Drain and Clean Ocean fees

Exhibit "A": Listing of all parcel numbers and amounts outstanding for delinquent Storm Drain and Clean Ocean fees.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD 2011 WEED ABATEMENT ASSESSMENTS TO THE FY 2012-13 TAX ROLLS.

WHEREAS, pursuant to Government Code Section 39500, et seq., the City of San Clemente has performed work in abating weeds, trash and debris on private property within the City; and

WHEREAS, the owners of those properties listed on Exhibit "A", (attached hereto) have been billed for the costs of performing these services but have not remitted payment to the City; and

WHEREAS, the City desires the County Auditor-Controller to levy the outstanding amounts against the parcels listed as described in Exhibit "A", pursuant to the authority provided in Government Code Section 39577.

NOW, THEREFORE, The City Council of the City of San Clemente does hereby resolve as follows:

Section 1. The City Council hereby requests the Orange County Auditor-Controller to add the amount of the assessments indicated in Exhibit "A", to the tax rolls levied against the corresponding properties.

Section 2. The City Clerk of the City of San Clemente is hereby directed to file this resolution with the Orange County Auditor-Controller.

Section 3. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this ____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of
San Clemente, California

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STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

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Exhibit "A"

2011 Weed Abatement Unpaid Invoices

057-033-39	\$ 560.00
057-092-20	\$ 405.00
057-170-22	\$ 405.00
058-073-40	\$ 370.00
058-073-41	\$ 370.00
058-104-03	\$ 475.00
058-112-17	\$ 350.10
680-521-03	\$ 470.00
675-111-36	\$ 335.00
679-161-07	\$ 761.00
690-081-05	\$ 380.00
690-081-06	\$ 276.00
690-081-07	\$ 276.00
690-521-04	\$ 535.75
692-131-06	\$ 352.00
692-231-10	\$ 276.00
692-252-01	\$ 531.00
692-362-08	\$ 327.00
692-361-24	\$ 256.00
692-411-05	\$ 308.40

\$ 8,019.25

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE ORANGE COUNTY AUDITOR-CONTROLLER TO ADD DELINQUENT STORM DRAIN AND CLEAN OCEAN FEES TO THE FY 2012-13 TAX ROLLS

WHEREAS, pursuant to California Health & Safety Code Section 5471, *et seq.*, the City of San Clemente ("City") has adopted ordinances adopting a Storm Drainage Fee (Ordinance No. 1120; Municipal Code Chapter 13.32) and a Clean Ocean Fee (Ordinance No. 1273; Municipal Code Chapter 13.34); and

WHEREAS, the owners of those properties listed on Exhibit "A" (attached hereto) have been billed for one or both such fees during the 2012 fiscal year but, as stated on Exhibit "A," have not remitted payment to the City and such amount is now delinquent; and

WHEREAS, pursuant to California Health & Safety Code Sections 5473 and 5473.1, the City has caused a written report (the "Report") to be prepared for fiscal year 2012 that contains a description of each parcel of real property receiving services that is delinquent in paying the Storm Drainage Fee and/or the Clean Ocean Fee and the amount of each said delinquency, and a copy of said report has been filed with the City Clerk; and

WHEREAS, pursuant to California Health & Safety Code Section 5473.1, the City Clerk has caused notice of the filing of said Report and of the time and place of a hearing to be published in a newspaper of general circulation and mailed to each person who is delinquent in paying said fee(s) at the address shown for said person(s) on the last equalized assessment roll or as known to the City Clerk; and

WHEREAS, the City Council held a duly noticed public meeting to confirm the Report and direct the Orange County Auditor-Controller to add the delinquent fees to the 2012-2013 Property Tax Bills for those properties to which the delinquent fees apply on July 17, 2012, at which time the City Council considered the aforementioned Report, the evidence and information presented by City staff and members of the public, and all objections and protests of persons delinquent in paying the Storm Drainage Fee and/or the Clean Ocean Fee, as reflected in the Report; and

WHEREAS, the City Council has determined that protests have not been filed to the Report by the owners of a majority of separate parcels of property as described in the Report.

NOW, THEREFORE, the City Council of the City of San Clemente does hereby resolve as follows:

Section 1. The City Council overrules any and all objections to the Report and approves and adopts the Report.

Section 2. On or before August 10, 2012, the City Clerk is hereby directed to file the Report with the Orange County Auditor-Controller, together with a statement endorsed by the City Clerk on the report over her signature that the Report has been finally adopted by the City Council and requesting that the Auditor-Controller enter the amounts of the charges shown on Exhibit "A" against the respective lots or parcels of land as they appear on the current assessment roll.

Section 3. The City Clerk is hereby directed to file this resolution with the Orange County Auditor-Controller and hereby requests the Orange County Auditor-Controller to add the amount of the assessments indicated in Exhibit "A", to the tax rolls levied against the corresponding properties.

Section 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED this ____ day of _____, _____.

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of
San Clemente, California

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STATE OF CALIFORNIA)
COUNTY OF ORANGE) §
CITY OF SAN CLEMENTE)

I, JOANNE BAADE, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. _____ was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, _____.

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

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2012 Unpaid Storm Drain/Clean Ocean Fees

571-062-13	\$282.46
680-301-09	\$422.85
691-092-23	\$209.92
691-092-55	\$261.08
691-097-33	\$222.27
691-098-04	\$222.27
691-131-13	\$202.89
691-131-15	\$241.17
691-131-40	\$202.89
701-034-09	\$568.83
701-054-37	\$282.24
701-055-47	\$277.83
701-055-59	\$277.83
701-061-15	\$277.83
701-071-18	\$277.83
701-081-02	\$277.83
701-091-45	\$277.83
701-101-51	\$233.73
701-101-56	\$282.24
701-121-45	\$277.83
701-151-19	\$282.24
701-193-03	\$222.27
701-193-09	\$282.24
701-201-01	\$233.73
701-211-43	\$233.73
701-223-33	\$277.83
701-231-07	\$277.83
701-243-07	\$235.26
701-243-22	\$277.83
701-244-07	\$277.83
701-244-42	\$277.83
701-244-66	\$277.83
701-325-04	\$437.15
701-352-22	\$277.83
701-363-29	\$282.24
701-383-28	\$314.74

Exhibit "A"

701-392-33	\$233.73
701-393-01	\$233.73
708-033-26	\$277.83
708-052-47	\$233.73
708-052-48	\$233.73
708-063-24	\$277.83
708-063-53	\$266.14
708-082-15	\$277.83
708-093-11	\$277.83
708-124-52	\$277.83
930-025-51	\$261.08
933-041-52	\$222.27
933-041-63	\$222.27
933-731-95	\$222.27

\$13,566.16