



Legislation Details (With Text)

File #: 22-466 **Version:** 1 **Name:** Imposing Liens on FY 21-22 Delinquent Charges
Type: Staff Report **Status:** Filed
In control: City Council
On agenda: 7/18/2022 **Final action:** 7/18/2022
Enactment date: **Enactment #:** Reso 2022-130 and Reso 2022-131
Title: Adopt Two Resolutions 1. Regarding the Matter of Imposing Liens for Non-payment of Delinquent Solid Waste Service Charges, Sidewalk Repairs, Certified Unified Program Agency Fees, Code Compliance and Enforcement, Plus Administrative Penalties and Charges 2. Overruling Protests
Sponsors: Susan Hsieh
Finance Director
Indexes:
Code sections:
Attachments: 1. Att A - Reso Authorizing Liens, 2. Att B - Reso Overruling Protests Liens, 3. Att C - List of Delinquent Accounts, 4. Att D - 2022-23 Liens Presentation

Date	Ver.	Action By	Action	Result
7/18/2022	1	City Council	Approved	Pass

Adopt Two Resolutions 1. Regarding the Matter of Imposing Liens for Non-payment of Delinquent Solid Waste Service Charges, Sidewalk Repairs, Certified Unified Program Agency Fees, Code Compliance and Enforcement, Plus Administrative Penalties and Charges 2. Overruling Protests

COUNCIL PRIORITY

- Public Safety
- Fiscal Sustainability and Transparency
- Community & Business Development

SUMMARY

Approval of the Resolutions at the close of the public hearing will permit the City to place approved delinquent charges on the applicable Fiscal Year 2022-2023 Alameda County secured property tax bills.

RECOMMENDATIONS

Staff recommends City Council approval of the attached Resolutions:

- Resolution imposing liens for the non-payment of delinquent solid waste service charges, sidewalk repairs, Certified Unified Program Agency (CUPA) fees, code compliance and enforcement plus administrative penalties and charges.
- Resolution overruling protests.

BACKGROUND

The San Leandro Municipal Code provides that delinquent 2022 solid waste service charges, sidewalk repairs, Certified Unified Program Agency (CUPA) fees, code enforcement and compliance plus administrative penalties and charges, shall become a lien on the real property at which the service was received. A detailed listing of all delinquent accounts for each category type is attached. The accounts listed have not been paid as of July 18, 2022, for the services received, although ongoing attempts have been made to collect the balances due.

Prior to fiscal year 2020-2021, eligible delinquent business licenses are submitted as well. In fiscal year 2020-2021, the City opted to not include eligible business licenses due to the adverse impacts of COVID. During the past year, staff worked with the City's business license consultant to revisit this practice and determined that at this time, the City will utilize our consultant's collections and compliance departments to collect outstanding business license fees. This is in line with industry standards, and the process will be more effective enabling the City to increase overall business license compliance.

Alameda County Industries (ACI) conducts solid waste activities in the City. In accordance with the San Leandro Municipal Code, ACI provided the requisite notices regarding the conduct of a public hearing to lien delinquent accounts.

Property owners with sidewalk repair, CUPA fees, code compliance and enforcement along with administrative penalties and charges, were sent an initial invoice. Statements with overdue amounts are then sent monthly. The May, June and July 2022 statements included lien information and the public hearing date.

Analysis

The City's municipal code permits the City to enforce collections of charges that have been delinquent. This is used after exhausting other efforts to collect. The charges collected are mostly recouping funds spent by the City to provide services relating to public safety.

Summary of Public Outreach Efforts

- Monthly invoices and notices sent to effected persons.
- Published notice of intent to lien in San Leandro Times on June 24, 2022 and July 1, 2022.
- The meeting and public hearing have been properly noticed in accordance with State law. A notice of the public hearing was sent to all property owners in accordance with the provisions of the City of San Leandro's Municipal Code.

Legal Analysis

The City Attorney reviewed this staff report and the resolutions and approved them as to form.

Financial Impacts

The City will eventually collect the entire delinquent amount less any collection fees charged by the

Alameda County Tax Collector. The total amount of fees and charges submitted for liens is as follows.

Type	Amount	# of Accounts
Solid Waste Service Charges	\$ 30,559	41
CUPA Fees	\$ 6,894	12
Code Compliance	\$ 20,023	6
Code Enforcement	\$12,659	7
Sidewalk Repairs	\$22,880	20
Total	\$ 93,015	86

Revenues will be recognized when the fees and charges are collected by Alameda County on behalf of the City.

ATTACHMENTS

Attachment A: Resolution Authorize imposing liens

Attachment B: Resolution Overruling protests

Attachment C: Lists of delinquent accounts subject to lien

- C1: List No. 2022-001 for solid waste fees and charges,
- C2: List No. 2022-002 for sidewalk repair,
- C3: List No. 2022-003 for CUPA fees,
- C4: List No. 2022-004 for code enforcement,
- C5: List No. 2022-005 for code compliance copies

Attachment D: Presentation

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