



Legislation Details (With Text)

**File #:** 23-347      **Version:** 1      **Name:** Staff report Imposing Liens on Delinquent Charges  
**Type:** Staff Report      **Status:** Filed  
**In control:** City Council  
**On agenda:** 7/17/2023      **Final action:** 7/17/2023  
**Enactment date:**      **Enactment #:** 2023-110  
2023 111

**Title:** Adopt Resolution Imposing 2023 Liens for Non-Payment of Delinquent Solid Waste Service Charges, Sidewalk Repair Charges, CalEPA CUPA Surcharge Fees, Building Code Violation and Code Compliance Citation Fees, and Water Pollution Control Plant Commercial and Industrial User and Connection Charges; and

Adopt Resolution Overruling Protests Related to Non-Payment of Delinquent Solid Waste Service Charges, Sidewalk Repair Charges, CalEPA CUPA Surcharge Fees, Building Code Violation and Code Compliance Citation Fees, and Water Pollution Control Plant Commercial and Industrial User and Connection Charges

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Resolution Authorizing Liens, 2. B - Resolution Overruling Protests, 3. C - Lien List Memo, 4. D - Lien Presentation

Date	Ver.	Action By	Action	Result
7/17/2023	1	City Council	Approved	Pass

Adopt Resolution Imposing 2023 Liens for Non-Payment of Delinquent Solid Waste Service Charges, Sidewalk Repair Charges, CalEPA CUPA Surcharge Fees, Building Code Violation and Code Compliance Citation Fees, and Water Pollution Control Plant Commercial and Industrial User and Connection Charges; and

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**SUMMARY AND RECOMMENDATION**

Staff recommends the City Council close the public hearing and adopt the following:

- Resolution Imposing 2023 Liens for Non-Payment of Delinquent Solid Waste Service Charges, Sidewalk Repair Charges, CalEPA CUPA Surcharge Fees, Building Code Violation and Code Compliance Citation Fees, and Water Pollution Control Plant Commercial and Industrial User Charges.
- Resolution Overruling Protests Related to Non-Payment of Delinquent Solid Waste Service Charges, Sidewalk Repair Charges, CalEPA CUPA Surcharge Fees, Building Code Violation and Code Compliance Citation Fees, and Water Pollution Control Plant Commercial and Industrial User Charges

**BACKGROUND**

The San Leandro Municipal Code permits the City to enforce collections of service charges that have become delinquent. This effort is undertaken only after the Finance Department has exhausted other collection means. The charges to be collected through County liens recoup funds spent by the City to provide specialized services.

Generally, the process follows months of billings and statements from the Finance Department to affected residents and businesses. Delinquent accounts are then noticed of the intent to lien, including notice published in the San Leandro Times. Finally, the City Council holds a public hearing, passes a resolution to overrule protests, and approves a resolution allowing assessments of delinquent charges by the Alameda County Tax Collector.

## **DISCUSSION**

Delinquent accounts proposed for liens cover solid waste (refuse) service charges, sidewalk repairs for property owners completed by the City, Certified Unified Program Agency (CUPA) fees, building code violation and code compliance citation fees, and WPCP commercial and industrial user charges. The delinquent amounts become a lien on the real property at which the service was received. The summary of all delinquent accounts for each category type is shown below. Amounts shown have not been paid as of June 9, 2023, although ongoing and continuing attempts have been made to collect overdue balances.

Statements for May, June and July 2023 with overdue amounts include lien information and the public hearing date. Delinquent accounts arise from the following services:

- Alameda County Industries (ACI) provides refuse collection (solid waste) in the City. In accordance with the San Leandro Municipal Code, ACI bills accounts and provides the required notices regarding the public hearing and lien.
- Major repairs to sidewalks undertaken by the City (repairing street tree related sidewalk damage is shared) pursuant to or in accordance with an agreement with the property owner in compliance with the City Sidewalk Repair Program.
- The City enforces environmental laws in its role as a Certified Unified Program Agency (CUPA) with CalEPA CUPA Surcharge Fees.
- Building Code violation and Code Compliance enforcement citation fees, including administrative penalties and charges.
- WPCP Commercial and Industrial User and Connection Charges.

Delinquent business licenses were submitted in previous years. The City recently opted to exclude business licenses from the lien process. Staff worked with the City's business license consultant to utilize the consultant's collection and compliance department to collect outstanding business license fees.

## **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 for recouping funds spent by the City to provide services relating to public safety.

## **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.

<b>Type</b>	<b>Amount</b>	<b># of Accounts</b>
Solid Waste Service Charges	\$ 18,900	51
CUPA Fee	\$ 4,200	10
Code Compliance/Enforce.	\$ 47,100	33
Sidewalk Repairs	\$ 2,400	3
<u>Wastewater User/Connection</u>	<u>\$150,500</u>	<u>6</u>
Total	\$223,100	103

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

### **REVIEW BY FINANCE COMMITTEE**

The resolutions imposing 2023 liens for non-payment of delinquent accounts and overruling protests were reviewed by the City Council Finance Committee on June 28, 2023. The Finance Committee unanimously recommended the resolutions be moved to City Council for public hearing and approval.

### **ATTACHMENTS**

- Attachment A - Resolution Imposing Liens for Non-Payment of Delinquent Accounts
- Attachment B - Resolution Overruling Protests
- Attachment C - Presentation

### **PREPARED BY**

T. Michael Yuen, Finance Director