



## Legislation Text

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**File #:** 24-323, **Version:** 1

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Adop Two Resolutions 1) Imposing 2024 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; and

2) 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

### **SUMMARY AND RECOMMENDATION**

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

- Resolution Imposing 2024 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 14, 2024, although ongoing and continuing attempts have been made to collect overdue balances.

Statements for May, June and July 2024 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 Wastewater Commercial and Industrial User and Connection Charges.

### **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 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	\$ 27,100	71
CUPA Fee	\$ 33,400	35
Code Compliance/Enforce.	\$117,800	23
Sidewalk Repairs	\$ 5,000	5
<u>Wastewater User/Connection</u>	<u>\$195,100</u>	<u>4</u>
Total	\$378,400	138

### **ATTACHMENTS**

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

### **PREPARED BY**

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