



**ROCKLIN**  
CALIFORNIA

# CITY MEMORANDUM

**DATE:** June 12, 2017  
**TO:** Honorable Mayor and City Council  
**FROM:** Barbara Ivanusich, City Clerk  
**SUBJECT:** Blue Item 29 – Delinquent Refuse Charges

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Item No. 29.B (Resolution of the City Council of the City of Rocklin Requesting the Collection of Taxes, Assessment and Liens on the 2017-108 Tax Roll Delinquent Refuse Collection Liens) was inadvertently not included in the council packet and the staff report was labeled 29.B instead.

In addition, Exhibit A to Item No. 29.A. (Resolution of the City Council of the City of Rocklin Assessing Liens Against Certain Parcels for Delinquent Refuse Charges) was modified this morning to reflect updated payment status and calculations through June 12, 2017 at 8:00 a.m.

Attached is a complete and corrected copy of Item No. 29 for approval.



## City Council Report

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**Subject:** Resolution of the City Council of the City of Rocklin Assessing Liens Against Certain Parcels for Delinquent Refuse Charges and Resolution of the City Council of the City of Rocklin Requesting the Collection of Taxes, Assessments and Liens on the 2017-2018 Tax Roll (Delinquent Refuse Collection Liens)

**Submitted by:** Mary Rister, Finance Officer

**Date:** June 13, 2017

**Department:** Administrative Services

**Reso. No. 2017-**    and **Reso. No. 2017-**

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- **Staff Recommendation:** Approve Resolution of the City Council of the City of Rocklin Assessing Liens Against Certain Parcels for Delinquent Refuse Charges and approve Resolution of the City Council of the City of Rocklin Requesting the Collection of Taxes, Assessments and Liens on the 2017-2018 Tax Roll (Delinquent Refuse Collection Liens)
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### **BACKGROUND:**

Each year, the City works to assist our refuse collection services contractor with the collection of delinquent collection fees. If the fees are not paid, the City has the right under California Government Code section 25831, section 38790.1 and Rocklin Municipal Code 13.08, to impose liens on the property through the County property tax bills.

### **FINDINGS, CONCLUSIONS & RECOMMENDATIONS:**

#### **Findings:**

- On May 10, 2009, the City entered into a Franchise Agreement with Recology Auburn Placer. This agreement specifies that the City shall assist with the collection of unpaid bills for services provided to customers on accounts that are more than 180 days delinquent.
- The City typically has assisted Recology Auburn Placer with the collection of unpaid bills by asking the County to add these bills as levies on the property tax rolls as allowed by State law and as required by contract.
- On May 23, 2017, Council accepted a report regarding delinquent refuse charges and approved resolution 2017-88, which set the public hearing for June 13, 2017, so that Council could consider placing liens for delinquent refuse collection charges that are delinquent in excess of 180 days on the 2017-2018 tax roll.
- Notice of the public meeting was sent to all owners of record, was posted on the City's webpage, and was published once in the Placer Herald.

**Conclusions:**

- If the City intends to assist Recology Auburn Placer through the placement of tax liens on the property tax bills, the City Council would need to approve the two attached resolutions.
- The first resolution would authorize staff to request that Placer County attach property tax liens to parcels that have refuse collection fees which are delinquent in excess of 180 days. The second resolution is required by Placer County for all direct charges the County collected on the City's behalf. It serves to indemnify the County for any errors in those tax rolls submitted by the City.

**Recommendations:**

- Approve the two attached resolutions which authorize and request the imposition of liens on properties that have had delinquent refuse collection charges for at least 180 days and indemnify the County from actions taken by the City.

**Alternatives:**

- Attempt to assist Recology Auburn Placer in delinquency collects through some other means.

**Fiscal Impact:**

The City charges a fee of 15% of delinquent charges for parcels that require the processing of a property tax lien. The City will collect \$2,786.79 in fees once these liens are paid.



Ricky A. Horst, City Manager  
Reviewed for Content



Steven Rudolph, City Attorney  
Reviewed for Legal Sufficiency

**RESOLUTION NO. 2017-**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ROCKLIN  
ASSESSING LIENS AGAINST CERTAIN PARCELS FOR  
DELINQUENT REFUSE CHARGES**

The City Council of the City of Rocklin does resolve as follows:

Section 1. On May 23, 2017, by Resolution No. 2017-88, the City Council accepted a report on the delinquent refuse charges and liens and set June 13, 2017, as the date on which a public hearing shall be held to consider the imposition of liens on certain parcels, to be placed on the property tax roll, because said delinquent refuse collection charges remained unpaid for 180 days.

A. In accordance with Rocklin Municipal Code Chapter 13.08 and California Government Code sections 25831 and 38790.1, notice of such public hearing was duly sent to all owners of record of affected properties as required by law.

B. Said "owners of record" have been determined by this City Council to be the current owners of said affected properties.

C. Any objections and protests of said "owners of record" and interested persons have been heard by the City Council as required by law.

D. The charges set forth in Exhibit A, attached hereto and incorporated herein by reference, are those charges incurred for refuse collection plus City and County lien processing fees.

Section 2. The City Council hereby confirms the report of Recology Auburn Placer delinquent charges with revisions or corrections, if any.

Section 3. The City Clerk is hereby authorized and directed to send a copy of this Resolution to the office of the Placer County Auditor-Controller, at which time the charges set forth in Exhibit A shall be attached as liens against the parcels described in Exhibit A on the property tax roll.

Section 4. The liens created hereby shall be collected in the same manner as the county property taxes and shall be released upon payment thereon.

Section 5. The Auditor-Controller of Placer County is requested to attach for collection on the County tax rolls those fees attached hereto.

PASSED AND ADOPTED this 13<sup>th</sup>, day of June, 2017, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

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Scott Yuill, Mayor

ATTEST:

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Barbara Ivanusich, City Clerk

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**Revised Exhibit A**

<u>Parcel #</u>	<u>Owner</u>	<u>Past Due Amt</u>	<u>City Admin. Fee</u>	<u>County Collection Fee</u>	<u>Total Lien Amount</u>
030-192-005-000	Christopher & Brian Figueroa	373.49	56.02	4.30	433.81
365-094-002-000	Brian J. Chakedis	359.89	53.98	4.14	418.01
366-160-019-000	Enrique Torres	77.68	11.65	0.89	90.23
368-020-022-000	Darlene & Wayne Wong	235.52	35.33	2.71	273.56
045-230-002-000	John & Marjorie Regalado	488.24	73.24	5.61	567.09
368-010-012-000	Barry & Susan Gier	354.02	53.10	4.07	411.19
016-270-015-000	Heather A. Pound	370.15	55.52	4.26	429.93
016-270-036-000	Mark Anton	356.63	53.49	4.10	414.23
010-181-001-000	James R. DeLong	350.55	52.58	4.03	407.16
010-092-014-000	Theresa Pearson	455.29	68.29	5.24	528.82
016-290-010-000	Joseph & Jennifer Bonacoroso	230.53	34.58	2.65	267.76
045-101-008-000	Marshal & Pamela Leavens	457.93	68.69	5.27	531.89
010-093-013-000	Steven Joerger	458.03	68.70	5.27	532.00
016-314-009-000	Ann Millard	345.10	51.77	3.97	400.83
016-240-012-000	Jeannie Worley	351.61	52.74	4.04	408.40
370-010-018-000	Fuaad & Abeer Ibrahim	474.16	71.12	5.45	550.74
045-250-015-000	Tamra Tory	262.85	39.43	3.02	305.30
045-250-027-000	Melody Simpson	193.09	28.96	2.22	224.27
371-050-028-000	Randy & Theresa Nagel	161.63	24.24	1.86	187.73
016-370-017-000	James & Dave Warner	356.63	53.49	4.10	414.23
367-200-008-000	Jeffrey S. Madderra	357.97	53.70	4.12	415.78
369-100-049-000	Roy C. Richardson	355.60	53.34	4.09	413.03
045-303-002-000	Wajdy Sharmoug	450.50	67.58	5.18	523.26
369-030-005-000	Jeffrey & Ann Colvin	363.43	54.51	4.18	422.12
369-030-067-000	Dustin & Jessica Eaton	329.93	49.49	3.79	383.21
010-340-006-000	Patrick Doppelmayr	75.39	11.31	0.87	87.57
046-550-020-000	Fuaad & Abeer Ibrahim	426.53	63.98	4.91	495.41
365-170-035-000	Niham Group LLC	264.05	39.61	3.04	306.69
366-050-024-000	Thomas & Wendy Duggan	356.76	53.51	4.10	414.38
365-190-048-000	Ric Cheng	456.11	68.42	5.25	529.77
010-220-006-000	David & Selena Ueltzen	524.71	78.71	6.03	609.45
010-052-027-000	Carrie S. Bevereage	240.36	36.05	2.76	279.18
365-080-014-000	Naib & Bhupinder Girm	357.91	53.69	4.12	415.71
366-140-042-000	Vicky Senella	362.17	54.33	4.16	420.66

369-160-008-000	Cynthia Crusell	328.15	49.22	3.77	381.15
365-092-004-000	Mitchell & Doncella Logan	354.38	53.16	4.08	411.61
365-170-014-000	Thomas Hutchinson	366.53	54.98	4.22	425.72
010-021-003-000	Michael & Merlin Neumann	350.64	52.60	4.03	407.27
366-090-029-000	Yolanda & Chad Stout	337.02	50.55	3.88	391.45
010-390-060-000	Brent & Mary Tarantino	366.86	55.03	4.22	426.11
489-010-056-000	Joshua Speer	209.37	31.41	2.41	243.18
372-070-006-000	Diane Colby	556.61	83.49	6.40	646.50
367-220-048-000	Peter & Deborah Leung	356.63	53.49	4.10	414.23
030-185-005-000	Virginia Sue Rademacher	314.25	47.14	3.61	365.00
373-020-016-000	Maria Lopez Torres	401.60	60.24	4.62	466.46
373-010-028-000	Jeff & Elizabeth Heil	353.29	52.99	4.06	410.35
377-130-008-000	Brent & Crissy Davis	352.95	52.94	4.06	409.95
046-162-001-000	Matthew & Naomi Poole	314.25	47.14	3.61	365.00
376-060-003-000	Rickie Walker	539.41	80.91	6.20	626.52
046-270-052-000	August Gomes	154.14	23.12	1.77	179.03
<b>Total:</b>		<b>\$17,290.52</b>	<b>\$2,593.58</b>	<b>\$198.84</b>	<b>\$20,082.94</b>

**RESOLUTION NO. 2017-**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ROCKLIN  
REQUESTING THE COLLECTION OF TAXES,  
ASSESSMENTS AND LIENS ON THE 2017-2018 TAX ROLL  
(DELINQUENT REFUSE COLLECTION LIENS)**

WHEREAS, the City of Rocklin has awarded to Recology Auburn Placer Service (“Recology”) a franchise for collection of solid waste within the City of Rocklin under Rocklin Municipal Code Chapter 13.08 and under the terms of the franchise agreement, the City may at the request of Recology, assist in collecting delinquent refuse bills in accordance with Government Code sections 25831 and 38790.1, for which liens are collected on behalf of the City by the County of Placer on the annual property tax roll; and

WHEREAS, the County of Placer requires, as a condition of the collection of taxes, assessments, liens, and other charges on behalf of the City that the City warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof.

The City Council of the City of Rocklin does resolve as follows:

Section 1. The Auditor-Controller of Placer County is requested to attach for collection on the County 2017-2018 tax rolls liens against certain parcels for delinquent refuse collection charges (“liens”) as set forth in Rocklin City Council Resolution No. 2017-88.

Section 2. The City warrants and represents that the liens comply with all requirements of state law, including but not limited to Articles XIII C and XIII D of the California Constitution (Proposition 218).

Section 3. The City releases and discharges County, and its officers, agents, and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any of the liens on behalf of City.

Section 4. The City agrees to and shall defend, indemnify, and hold harmless the County, its officers, agents and employees (the “Indemnified Parties”) from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments in any manner arising out of the collection by County of any of the liens requested to be collected by the County for the City, or in any manner arising out of City establishment and imposition of said liens. City agrees that, in the event a judgment is



entered in a court of law against any of the Indemnified Parties as a result of the collection of one of the liens, the County may offset the amount of the judgment from any other monies collected by the County on behalf of the City, including property taxes.

Section 5. The City agrees that its officers, agents, and employees will cooperate with the County in answering questions referred to the City by the County from any person concerning the City's liens, and that City will not refer such persons to County officers and employees for response.

Section 6. The City agrees to pay such reasonable and ordinary charges as the County may prescribe to recoup its costs in placing on the tax rolls and collecting the assessments, as provided by Government Code sections 29304 and 51800.

PASSED AND ADOPTED this 13th day of June, 2017, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

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Scott Yuill, Mayor

ATTEST:

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Barbara Ivanusich, City Clerk

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