



AGENDA SUMMARY EUREKA CITY COUNCIL

TITLE: Public Hearing and Resolution Confirming and Ordering Special Assessments for Unpaid Garbage and Recycling Collection Fees

DEPARTMENT: Community Services

PREPARED BY: Robin Praszker

PRESENTED FOR: Action Information only Discussion

RECOMMENDATION

Staff recommends Council hold a public hearing to hear any objections or protests; and make adjustment as deemed just; and adopt a resolution of the City Council providing for collection of fees.

FISCAL IMPACT

No Fiscal Impact Included in Budget Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

N/A

DISCUSSION

The Community Services Department administers the provisions of the Mandatory Garbage and Recycling Collection Ordinance within Eureka Municipal Code Chapter 51. In summary, Section 51.03 (D) mandates the owner of any improved property in or from which solid waste and recyclable materials is created, accumulated or produced is responsible for subscribing to the collection service. It is the property owner's responsibility, not the tenant, to secure and maintain collection services. In the event that an account becomes delinquent, Section 51.20, Delinquent Accounts, states the City shall attempt to collect the delinquent fees in the manner described in California Government Code Section 25831. This Section establishes the procedure to record a lien or special assessment against a property.

In conformance with the Mandatory Garbage and Recycling Collection Ordinance and California Government Code Section 25831, the City's franchise hauler notified the property owners of their delinquent accounts that remain unpaid for a period of 60 or more days after the date upon which they were billed. Staff sent a final notification to the property owners on April 21, 2023, not less than ten days prior to this hearing. The final notice notified property owners about the special assessment process, the hearing date and their ability to be present to provide any objections, protests or other relevant information.

The attached "Report of 2022 Fees for Garbage and Recycling Collection" lists the assessor's parcel numbers (APN) and amounts due for all delinquent accounts from the 2022 calendar year. Delinquent accounts that are not paid within 20 days of confirmation by the City Council shall constitute a special assessment as a lien against the property taxes. The amount due and \$1 per APN charge will be assessed on each property. The assessment would be acquired by filing a lien with the County Auditor to collect the amount owed to the franchise hauler with annual property taxes.

Staff recommends the lien be filed with the County Auditor and collected with annual property taxes.

REVIEWED AND APPROVED BY:

- City Attorney
- City Clerk/Information Services
- Community Services
- Development Services
- Finance
- Fire
- Personnel
- Police
- Public Works

ATTACHMENTS:

1. Report of 2022 Fees for Garbage and Recycling Collection
2. Resolution Confirming 2022 Fees for Garbage and Recycling Collection and Establishing the Method of Collection