



# STAFF REPORT – CITY COUNCIL MEETING

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July 19, 2023

**TO:** Honorable Mayor and City Council Members

**FROM:** Emily Sinkhorn, Director of Environmental Services

**PREPARER:** Brigitte Price, Administrative Specialist

**DATE:** July 12, 2023

**TITLE:** **Conduct a Public Hearing to Hear Objections or Protests from Landowners Listed on the Report of 2022 Lien Letter Recipients of Delinquent Garbage Account Fees; and Make Revisions or Corrections to the Report as the Council Deems Just; After Which, Adopt Resolution No. 234-02 Confirming the Report of 2022 Delinquent Garbage Account Fees for Lien.**

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## **RECOMMENDATION:**

It is recommended that the Council conduct a Public Hearing to hear objections or protests from landowners listed on the report of 2022 Lien Letter Recipients of Delinquent Garbage Account Fees; and make revisions or corrections to the Report as the Council deems just; after which, adopt Resolution No. 234-02 Confirming the Report of 2022 Delinquent Garbage Account Fees for Lien.

## **INTRODUCTION:**

The City of Arcata requires all occupied premises to subscribe to and pay for garbage and recycling services. Tenants may obtain and pay for collection service, however the owner of each parcel is ultimately responsible for payment of such service. Recology Arcata serves as the City's franchise garbage and recycling hauler. The Arcata Municipal Code, Title V—Sanitation and Health, Chapter 3—Solid Waste Management, Section 5430 defines solid waste disposal bills not paid within 60 days after the billing date to be late and deemed delinquent. Section 5430 allows the City to collect payment for delinquent accounts pursuant to the authority granted in Government Code section 38790.1, and in the manner described in Government Code section 25831. Pursuant to this process, the City Council reviews and confirms a report of the delinquent accounts during a public hearing at which time affected property owners may present objections or protests. The Council may revise or correct the report, as it deems appropriate prior to taking action to confirm it. A certified copy of a confirmed report of delinquent accounts is then filed with the County Auditor. Upon recordation of the report, the liens are created and attached to the property.

## **DISCUSSION:**

**Consistent with the process the City has done to collect Stormwater Drainage Maintenance Fees, and consistent with state law and the Municipal Code, staff has determined that the most efficient and cost-effective method to collect delinquent garbage and recycling bills is to**

**consolidate these billings with the County of Humboldt's Secured Property Tax Bill for those parcels which are not tax exempt. Recology Arcata, the City's franchise hauler, and Finance Department staff will continue to bill and seek collection through other methods from those property owners who are tax exempt should any of those entities have delinquent accounts.**

**Recology sends delinquent account letters to all past-due account holders bimonthly for commercial accounts and monthly for residential accounts and to the respective property owners. In accordance with the City of Arcata Municipal Code, Section 5410 A, delinquent charges for the collection of refuse are the ultimate responsibility of the property owner regardless of who the account holder is, unless the property has changed hands since the delinquency.**

**The City, through Recology, sent a lien letter to affected delinquent garbage account property owners on June 13, 2023 notifying property owners that unless outstanding payments are made to Recology Arcata, delinquent collection charges will be reported to the City Council for confirmation at a public hearing on July 19, 2023. A generic copy of the lien notice letter is attached.**

**Recology provided the City with a list of 2022 delinquent garbage accounts on May 12, 2023 as well as an updated list on July 7, 2023 following payment on several accounts. This updated list is attached to Resolution No. 234-02 as the Report of 2022 Delinquent Garbage Accounts for Lien. These are the accounts that will have liens placed on their property if the account is not paid prior to July 21, 2023. Accounts that are paid prior to July 21, 2023 will be removed from the delinquent accounts list to be filed with the County Auditor. The delinquent fees in the confirmed Report constitute special assessments against the respective parcels, which are collected in the same manner as property taxes and subject to the same late fees and sale procedure as for real property taxes.**

**POLICY IMPLICATIONS:**

**This process is consistent with the City's Municipal Code Title V—Sanitation and Health, Chapter 3—Solid Waste Management, Section 5430—Rates and Charges.**

**COMMITTEE/COMMISSION REVIEW:**

**N/A**

**ENVIRONMENTAL REVIEW (CEQA):**

**N/A**

**BUDGET/FISCAL IMPACT:**

**The Report of 2022 Delinquent Garbage Accounts totals \$27,885.52. This action is revenue neutral, as the City acts as a pass-through for its franchise hauler.**

**ATTACHMENTS:**

- A. 2022 Final Lien List (PDF)
- B. 2023 Generic Recology Lien Letter Sample (PDF)
- C. Resolution No. 234-02 Delinquent Garbage Account Fees (PDF)