

RESOLUTION NO. 21-_____

**A RESOLUTION OF THE CITY OF MENIFEE ORDERING THE CONFIRMATION OF
SPECIAL ASSESSMENTS AND LIENS AGAINST PARCELS OF LAND FOR UNPAID AND
DELINQUENT CHARGES FOR TRASH COLLECTION SERVICES**

WHEREAS, Riverside County Ordinance 745 has established the authority of the Board of Supervisors to designate areas of the County as comprehensive collection areas in which waste collection services are compulsory; and

WHEREAS, The County of Riverside adopted Resolution Nos. 04-298, 05-154, 06-063, 06-159, 06-389 and 20-108 and established a Tax Lien Guaranteed Comprehensive Collection area for the residential properties located within the City of Menifee; and

WHEREAS, the City of Menifee by reference upon incorporation on October 1, 2008, adopted Riverside County Ordinance 745 and the County of Riverside Resolution Nos. 04-298, 05-154, 06-063, 06-159, 06-389 and 20-108 thereby establishing a Tax Lien Guaranteed Comprehensive Collection area for the residential properties located within the City of Menifee; and

WHEREAS, certain parcels maintained unpaid and delinquent charges for waste collection services, which will be paid by the County Tax Assessor to the Waste Hauler upon the property owner's payment of the assessment, from the fund entitled, "Menifee-Delinq Trash" established under Section 14 of Ordinance 745; and

WHEREAS, the charges placed upon the parcels are the cost of the service already provided by the Waste Hauler and any applicable surcharges are not a charge based upon the value of the parcels; and

WHEREAS, pursuant to Section 9 of Ordinance No. 745 the Waste Hauler has sent individual billing notices to the various parcel owners for the delinquent cost of service; and

WHEREAS, such property owners have had the opportunity to appeal through the procedure established in Section 10 of Ordinance 745; and

WHEREAS, the property owners have been notified pursuant to Ordinance 745; and

WHEREAS, the billing for those parcels listed on Menifee Tax Roll Listing 2021 remains unpaid; and

WHEREAS, said delinquent and unpaid fees and charges are those fees and charges for which services have been rendered but which have not been paid for more than sixty (60) days after the billing date; and

WHEREAS, Section 5473.10 of the Health and Safety Code provides that in addition to delinquent fees and charges, the amount collected on the tax roll may also include a 10% basic penalty for nonpayment of those fees and charges and, in addition, a penalty of 1 ½ % per month for nonpayment of those fees, charges and the basic penalty; and

WHEREAS, it is in the best interests of the City that delinquent and unpaid fees and charges for waste collection be collected on the tax roll: and

WHEREAS, the City Council has heretofore caused a report to be prepared, a copy of which is on file in the office of the City Clerk, which identifies each parcel of real property (without consideration of the value of said property) receiving such waste collection services and facilities and the amount of the delinquent fees and charges for each parcel for the year which remain outstanding, computed in conformity with the charges prescribed by Riverside County Ordinance 745, and has caused notice of said report and of a public hearing thereon to be duly given; and

WHEREAS, the City Council has held said hearing, at which all persons wishing to be heard were heard, and at which hearing the City Council heard and considered all objections and protests, if any;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Delinquent and unpaid fees and charges for solid waste collection as set forth in said report, and herein confirmed, shall be collected on the tax roll in the same manner, by the same persons as, and at the same time as, together with and not separately from, the City's general taxes, pursuant to the provisions of Section 13 of Ordinance No. 745 and Section 5473 of the California Health and Safety Code.

Section 2. On or before August 10th of each year following the final determination of the delinquent charges, the City Clerk shall file with the auditor of the County of Riverside a certified copy of this resolution together with a certified copy of said report endorsed with a statement over her signature that the report has been finally adopted by the City Council.

Section 3. The auditor shall enter the amounts of the charges against the respective lots of parcels of land as they appear on the current assessment roll.

Section 4. Said election to collect delinquent and unpaid fees and charges shall remain in effect until December 31, 2024, unless otherwise repealed or amended by the City Council.

PASSED, APPROVED AND ADOPTED this 7th day of July, 2021

Bill Zimmerman, Mayor

Attest:

Approved as to form:

Sarah A. Manwaring, City Clerk

Jeffrey T. Melching, City Attorney