



## **CITY OF MENIFEE**

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SUBJECT: 2022 Delinquent Solid Waste Accounts

MEETING DATE: June 21, 2023

TO: Mayor and City Council

PREPARED BY: Kori Jones, Senior Management Analyst

REVIEWED BY: Jonathan Nicks, Deputy City Manager

APPROVED BY: Armando G. Villa, City Manager

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### **RECOMMENDED ACTION**

1. Conduct the Public Hearing and accept public testimony regarding the 2022 Delinquent Solid Waste accounts to be applied to the Fiscal Year (FY) 2023/2024 County of Riverside property tax roll for collection; and
2. Approve the Solid Waste Delinquency Report from Waste Management, Inc. listing the 2022 Delinquent Solid Waste accounts for placement on the FY 2023/2024 County of Riverside property tax roll for collection; and
3. Adopt a resolution authorizing the collection of delinquent solid waste charges on the annual property tax roll; and
4. Authorize the City Clerk to issue a certified copy of the resolution and the Solid Waste Delinquency Report to be filed with the County of Riverside Auditor-Controller by Waste Management.

### **DISCUSSION**

The action before the City Council is to conduct a Public Hearing to place Calendar Year (CY) 2022 Delinquent Solid Waste accounts on the Fiscal Year (FY) 2023/2024 County of Riverside property tax roll for collection. The proposed assessment affects specific property owners with associated delinquent solid waste accounts, not the general citizens or taxpayers of the City.

The City requires all premises within the City that accumulate or produce solid waste to receive weekly solid waste services through the franchise waste hauler, Waste Management. Waste Management sends quarterly invoices to all customers for solid waste services. Solid waste charges become delinquent when an invoice exceeds 60-days past due.

Waste Management, as of May 26, 2023, has identified 1,604 delinquent solid waste accounts, with a principal outstanding balance of \$607,663, in the attached Menifee Tax Roll Listing, also known as the Solid Waste Delinquency Report. An official copy of the Solid Waste Delinquency Report is available in the City Clerk's Office for public viewing during regular business hours. The anticipated total property tax assessment for the 1,604 delinquent solid waste accounts is \$860,020, which includes the principal balance, penalty, and administrative fees. Waste Management will accept payments on delinquent solid waste accounts until July 21, 2023, which may result in adjustments to the final property tax assessment amount received by the County of Riverside Auditor-Controller.

California Health and Safety Code, Section 5473 and Riverside County Ordinance 745 authorize the collection of delinquent solid waste account charges and assessment of delinquent solid waste accounts on the annual property tax roll.

Upon incorporation, the City of Menifee adopted Riverside County Ordinance 745 establishing the authority of the City of Menifee as a comprehensive collection area in which waste collection services are compulsory. The City also adopted the County of Riverside's Resolution Nos. 04-298, 05-154, 06-063, 06-159, 06-389 and 2020-108, which continued the County's Tax Lien Guaranteed Comprehensive Collection area for the residential properties located within the City of Menifee. Resolution 2020-108 is attached to this Report for reference.

The following outlines the process for collecting delinquent solid waste charges:

1. Waste Management prepares an annual written Solid Waste Delinquency Report and submits a copy to the City. The Solid Waste Delinquency Report contains a description of each parcel receiving solid waste services and the amount of the delinquent fees and charges for each parcel which remain outstanding. In addition to delinquent fees and charges, the amount may also include a 10% basic penalty for nonpayment of fees and charges and, in addition, a penalty of 1.5% per month for nonpayment of fees, charges, and the basic penalty.
2. City Council approves the Solid Waste Delinquency Report and issues a resolution authorizing the collection of delinquent solid waste charges on the annual property tax roll. Property owners that resolve their outstanding solid waste charges with Waste Management, prior to the stated deadline for payment, are then removed from the final tax roll submitted to the County of Riverside Auditor-Controller by Waste Management.
3. Following the final determination of the delinquent solid waste charges, Waste Management shall file with the County of Riverside Auditor-Controller and remaining delinquent balances, including applicable penalties and interest, are added to the respective property owner's FY 2023/2024 property tax bill.

Property owners have two options to resolve delinquent solid waste charges:

1. Resolve unpaid solid waste charges with Waste Management before the deadline of July 21, 2023; or

2. Resolve unpaid solid waste charges with the County of Riverside once delinquent solid waste charges are assessed on the FY 2023/2024 Property Tax bill.

Waste Management mails a "Notice to Property Owner of Delinquent Solid Waste Charges" whenever solid waste charges become delinquent. This quarterly notice to affected property owners explains the intent to place delinquent solid waste charges on the property tax roll. Additionally, a "Notice of Public Hearing on Delinquent Solid Waste Charges" was mailed to property owners on May 15, 2023. California Government Code Section 6066 requires public notification of Public Hearing notices. Newspaper advertising for the Public Hearing was published in The Press-Enterprise on June 9, 2023, and again on June 16, 2023.

### **STRATEGIC PLAN OBJECTIVE**

Regular City Business

### **FISCAL IMPACT**

There is no fiscal impact with the recommended action. However, if the delinquent accounts are placed on the tax roll after further action, in accordance with the current franchise agreement with Waste Management, the City receives a 12% franchise fee for revenue generated from the collection of delinquent solid waste accounts that would be received as revenue in the City's General Fund Account No. 100-3630 (Franchise Fee-Solid Waste).

### **ATTACHMENTS**

1. 2022 Delinquent Tax Roll
2. Riverside County Resolution 2020-108
3. Notice of Public Hearing
4. Resolution Ordering Special Assessments