



CITY OF CLEARLAKE

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SPECIAL MEETING OF CLEARLAKE CITY COUNCIL & REDEVELOPMENT SUCCESSOR AGENCY

CLEARLAKE CITY HALL COUNCIL CHAMBERS
14050 OLYMPIC DRIVE
CLEARLAKE, CA 95422

MONDAY	AUGUST 12, 2019	4:00 P.M.
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ROLL CALL:

- _____ Mayor Russ Cremer
- _____ Vice Mayor Dirk Slooten
- _____ Councilmember Phil Harris
- _____ Councilmember Joyce Overton
- _____ Councilmember Russ Perdock

MEETING PROCEDURES:

All items on the agenda will be open for public comment before final action is taken. Citizens wishing to introduce written material into the record at the public meeting on any item are requested to provide a copy of the written material to the City Clerk prior to the meeting date so that the material may be distributed to the City Council prior to the meeting. Speakers must restrict comments to the item as it appears on the agenda and stay within a three-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item. As a courtesy to others, please turn off cell phones and any other distracting devices.

BUSINESS:

1. Consideration of a Resolution Approving the Report of Delinquent Universal Service Fees as Special Assessments and Liens; Resolution No. 2019-37
 1. **Recommended Action:** 1) Hear and consider any protests of the proposed action. 2) Adopt Resolution No. 2019-37: Approving and Confirming the Report of Delinquent Universal Service Fees as Special Assessments and Liens

ADJOURNMENT

AMERICANS WITH DISABILITY ACT (ADA) REQUESTS

If you need disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact Melissa Swanson, City Clerk, at the Clearlake City Hall, 14050 Olympic Drive, Clearlake, California 95422, phone (707) 994-8201, ext. 106, or via email at mswanson@clearlake.ca.us at least 72 hours prior to the meeting, to allow time to provide for special accommodations.

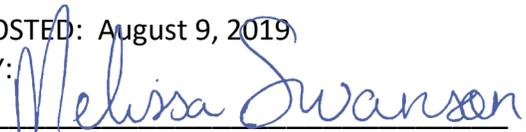
AGENDA REPORTS

Staff reports for each agenda item are available for review at City Hall located at 14050 Olympic Drive during normal business hours. Members of the public are invited to come and comment on any item under discussion.

Any writings or documents pertaining to an open session item provided to a majority of the City Council less than 72 hours prior to the meeting, shall be made available for public inspection at the front counter at City Hall located at 14050 Olympic Drive during normal business hours.

POSTED: August 9, 2019

BY:



Melissa Swanson
Melissa Swanson, Administrative Service Director/City Clerk

CITY OF CLEARLAKE

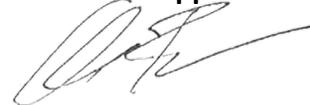
CITY COUNCIL STAFF REPORT

MEETING OF: August 12, 2019

Agenda Item No. 1

Subject: Consideration of a Resolution Approving the Report of Delinquent Universal Service Fees as Special Assessments and Liens; Resolution No. 2019-37 **Date:** August 8, 2019

Reviewed & Approved:



From: Andrew White, Chief of Police

Recommended Action:

1. Hear and consider any protests of the proposed action.
2. Adopt Resolution No. 2019-37: Approving and Confirming the Report of Delinquent Universal Service Fees as Special Assessments and Liens.

ISSUE STATEMENT AND DISCUSSION:

The Clearlake Municipal Code (CMC) requires universal waste collection service for all residential properties in the city¹. The CMC provides that the owner of any residential property in a universal service area is liable for payment of the collection service irrespective of the actual use of the service or failure to subscribe for the service.

Clearlake Waste Solutions (CWS) is the exclusive franchisee for universal waste collection. CWS mails monthly invoices on the first of each month for service. Delinquent notices are mailed on the 15th of each month. Final notices are mailed 30 days prior to submitting unpaid debt to the City. A minimum of four (4) phone call collection attempts are also made. Debt that is over 90 days past due is assigned to the City pursuant to CMC §11-4.7.

Once the debt is assigned to the City, the City purchases the debt from the franchisee and assumes all debt collection responsibilities. Annually, the City Council is required to conduct a hearing on a report of delinquent universal service fees. Notices were mailed to the property owners on August 1, 2019 notifying them of the past due debt and the hearing. The notice included information on how to pay the debt and cause removal of their property from the report as well as how to protest the proposed action.

¹ CMC §11-4

The City Council must hear any objections or protests to the report of delinquent accounts from liable landowners, make any revisions or corrections as deemed appropriate and confirm the report by resolution. **Please note, CMC §11-4.7 does not give the City Council authority to waive unpaid waste collection service fees because of financial hardship or other extenuating circumstances. Therefore, unless the City Council is presented with evidence during the hearing that the waste collection franchisee or the City assessed the waste collection debt in error, the City Council must confirm the debt.** The adoption of the resolution will enable the City to place liens on the properties and collect the unpaid collection fees through the property tax bills. The final report is required to be submitted to Lake County by August 16, 2019 for inclusion on the current year tax roll.

Staff recommends the City Council conduct the hearing and confirm the report by resolution.

Note: Due to payments being actively processed up until the hearing, the final Report of Delinquent Universal Service Fees will be provided to the City Council at the hearing.

FINANCIAL AND/OR POLICY IMPLICATIONS:

The collection of the delinquent fees will offset the General Fund money that was used to pay CWS when the debt was assumed by the City.

The proposed action will support the following Council adopted goals: *Make Clearlake a Visibly Cleaner City* and *Update Policies & Procedures to Current Government Standards*.

RESOLUTION NO. 2019-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLEARLAKE APPROVING AND CONFIRMING THE REPORT OF DELINQUENT UNIVERSAL SERVICE FEES AS SPECIAL ASSESSMENTS AND LIENS

WHEREAS, the Clearlake Municipal Code (CMC) requires universal collection service for all residential properties in the city and Clearlake Waste Solutions is the exclusive franchisee to conduct said service; and

WHEREAS, unpaid universal collection fees over 90 days past due are assigned to the City for collection per CMC §11-4.7; and

WHEREAS, the Chapter 11 of the CMC, and California Government Code sections 38790.1 and 25831 authorize the City Council to confirm a report of delinquent universal service fees, which shall constitute special assessments against respective parcels of land, are a lien on the property for the amount of such delinquent fees and shall be collected in the same manner as ad valorem property taxes; and

WHEREAS, notice was mailed on August 1, 2019 to the landowners of the parcels listed in the attached Report of Delinquent Universal Services Fees (Exhibit A) in accordance with CMC §11-4.8 notifying them of the hearing on August 12, 2019; and

WHEREAS, on August 12, 2019, the City Council heard objections and protests of landowners liable to be assessed for delinquent fees and has made any such revisions or corrections to the Report (Exhibit A) as it deemed just; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clearlake:

Section 1. Confirming the Report. The City Council confirms the Report of Delinquent Universal Service Fees, which is incorporated by this reference.

Section 2. Authorization. The City Clerk of the City of Clearlake is hereby directed to deliver to the County Assessor-Recorder, County Auditor-Controller and County Tax Collector-Treasurer confirmed assessments for recordation as liens and to be entered on the county tax roll as special assessments. The City Manager, or their designee, is authorized to record a Release of Lien when delinquent amounts are paid.

Section 3. General Authorization. The members of the City Council, the City Clerk, and the other officers of the City are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution. All actions heretofore taken by the officers and agents of the City that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

PASSED AND ADOPTED by the City Council of the City of Clearlake, County of Lake, State of California, on this 12th day of August 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk

Mayor