



**RESOURCE MANAGEMENT
AGENCY
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

ALLEN ISHIDA
District One

PETE VANDER POEL
District Two

PHILLIP A. COX
District Three

J. STEVEN WORTHLEY
District Four

MIKE ENNIS
District Five

AGENDA DATE: June 8, 2010

Public Hearing Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>

CONTACT PERSON: Celeste Perez PHONE: (559) 624-7010

SUBJECT: Set a Public Hearing to Place Delinquent Sewer and Water Service Fees on the 2010/2011 Tax Roll for County Service Areas No. 1 and No. 2 and Seville Water Company

REQUEST(S):

That the Board of Supervisors:

Sitting as the Governing Board for County Service Area No. 1, County Service Area No. 2 and the Seville Water Company:

1. Set a Public Hearing for July 13, 2010, at 9:30 a.m. in the Board Chambers, Administration Building, 2800 West Burrel, Visalia, California, to place delinquent sewer and water service fees, in County Service Area No. 1, County Service Area No. 2, and Seville Water Company, on the 2010/2011 Tax Roll; and
2. Approve the Notice of Public Hearing.

SUMMARY:

In the late 1980's and early 1990's, the County constructed eight (8) sewer systems and three (3) water systems utilizing various state and federal funding programs. In addition, the County took temporary receivership of the Seville Water Company system on June 21, 2009. Currently, the County administers the maintenance of these facilities through contracted services. In an attempt to cover the annual operation and maintenance costs, the County invoices and collects monthly fees for service. Unfortunately, some property owners/users of the systems are not paying for the service(s) they receive. A number of service users do not make any payments throughout the year.

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Tulare County Ordinance Number 2924, (uncodified) allows the Board of Supervisors (BOS) to place delinquent fees on the property tax roll in accordance with the provisions of the Health and Safety Code, Section 547a and the Government Code, Section 6066. The process requires the BOS to set the matter for public hearing, provide mailed and published notice of the public hearing and provide property owners the opportunity to speak to the matter. The Resource Management Agency will provide published and mailed notices, as required by the Health and Safety and Government Codes. As payments may be received up to June 30, 2010, Exhibits A-L, identified in the attached Public Notice, will be provided at the time of publication, as well as at the Public Hearing. This will ensure an accurate listing of the delinquent property owners.

FISCAL IMPACT/FINANCING:

The costs to the County are those associated with noticing and conducting the Public Hearing. These costs are included in the proposed budget. There is a net County cost associated with the County Service Area program. Any shortfall in revenue in the CSA Zones of Benefit is covered by a revolving loan in the General Fund. There is an administrative charge associated with placing the delinquent charges on the property tax roll. This charge is \$50 per Zone of Benefit plus \$1 per assessor parcel number. In addition to the administrative charge, there is a ten percent (10%) penalty assessed. As this amount is dependent on the final number of delinquent accounts, it will be calculated and included in the final exhibits at the time of the public hearing.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The proposed action would assist the County in its efforts to provide safe and secure essential services to the general public by insuring an adequate revenue source to fund the sewer and water systems.

ALTERNATIVES:

1. File a civil action for the collection of any delinquent accounts due and unpaid.
2. Forfeit revenue by not pursuing the collection of the delinquent accounts.

Staff does not recommend either of these alternatives as they are more costly to pursue than placing the delinquent charges on the property tax roll.

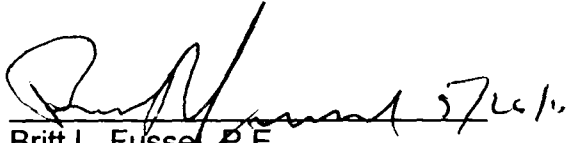
INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:

None required for the purpose of holding the Public Hearing.

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ADMINISTRATIVE SIGN-OFF:



Britt L. Fussel, P.E.
Assistant Director—Public Works
County Surveyor

BF:PA:CM

cc: Auditor/Controller
County Counsel
County Administrative Office (2)

Attachment(s) Notice of Public Hearing
Exhibits A-L to be provided at time of publication

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF SETTING A PUBLIC)
HEARING TO PLACE DELINQUENT SEWER)
AND WATER SERVICE FEES ON THE) RESOLUTION NO. _____
2010/2011 TAX ROLL FOR COUNTY)
SERVICE AREAS NO. 1 AND NO. 2 AND)
SEVILLE WATER COMPANY)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 8, 2010, BY
THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

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2. Approved the Notice of Public Hearing.

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Tulare County Board of Supervisors, sitting as the Governing Board of County Service Area No. 1, County Service Area No. 2 and Seville Water Company, will hold a Public Hearing on Tuesday, July 13, 2010, at 9:30 a.m. in the Chambers of the Board of Supervisors, Administration Building, 2800 West Burrel, Visalia, California.

The hearing will pertain to the collection and establishment on the Tax Rolls of the delinquent service fee charges for the use of the water and/or sewer facilities of County Service Areas No. 1 and No. 2 and Seville Water Company.

SEE EXHIBITS "A – L"

In addition to the individual delinquent service charge assessments, the Board of Supervisors will consider and may impose an additional collection charge, per each delinquent service charge assessment placed on the tax roll, to cover the cost of the County Auditor's service.

All interested persons may appear and be heard at said time and place.

By order of the Board of Supervisors, sitting as the Governing Board of County Service Area No. 1 and County Service Area No. 2 and Seville Water Company.

JEAN M. ROUSSEAU
COUNTY ADMINISTRATIVE OFFICER/
CLERK OF THE BOARD OF SUPERVISORS

By _____
Deputy Clerk