



**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 21, 2011 REVISED

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input checked="" 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:** Authority to Collect Delinquent User Charges on the Property Tax Roll for Seville Water Company

**REQUEST(S):**

That the Board of Supervisors:

1. On June 21, 2011, introduce and waive the first reading of an uncodified Ordinance to place delinquent user charges on the property tax roll for Seville Water Company; and
2. Direct the Clerk to the Board to publish a summary and post a certified copy of the proposed ordinance at least five (5) days prior to adoption in accordance with Government Code Section 25124(b)(1).
3. On June 28, 2011, waive the second reading and adopt the uncodified Ordinance to place delinquent user charges on the property tax roll for Seville Water Company; and
4. Direct the Clerk to the Board to publish a summary and post a certified copy of the ordinance within fifteen (15) days after adoption in accordance with Government Code Section 25124(b)(1).

Two-thirds vote required.

**SUMMARY:**

On April 28, 2009, the Board of Supervisors approved the county of Tulare becoming the temporary receiver of the Seville Water Company located in the community of Seville. On June 11, 2009, the Tulare County Superior Court of

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**DATE:** June 21, 2011

California approved Tulare County as the temporary receiver of the Seville Water Company. On June 6, 2011, the Tulare County Superior Court approved an extension of the temporary receivership until June 30, 2013.

When the court approved the extension of the receivership, the court also approved the County, as receiver, "to collect any unpaid water bills by adding the unpaid amount of the bill to the property owner's property tax assessments" pursuant to Health and Safety Code Sections 5471(a) and 5473. Health and Safety Code Section 5471(a) requires that an ordinance be adopted by the Board of Supervisors. The adoption of the ordinance, and establishing this procedure to collect delinquent user charges for the Seville Water Company, will make the Seville Water Company consistent with the County Service Area 1 and 2 and the Terra Bella Sewer Maintenance District.

**FISCAL IMPACT/FINANCING:**

The objective is to operate the Seville Water Company with no net cost to the County General Fund. The Order Granting Petition for Appointment of Receiver set the initial water rate at \$60 per month for each existing single family residential connection and at an equivalent single family residential rate for non-residential customers (i.e. the Stone Coral School). The adoption of this ordinance will allow the County to adopt delinquent user charges on the property tax roll.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The temporary operation of the Seville Water Company will meet the goal of providing adequate facilities for the protection of the public pursuant to the Safety and Security strategic initiation. Such an action would also support the Economic Well-Being and Quality of Life strategic initiatives. The adoption of the ordinance to allow for the collection of delinquent user charges on the property tax roll will allow the County to be fiscally prudent in the operation of the water system.

**ALTERNATIVES:**

Do not adopt the ordinance. However, staff does not recommend this option. If the ordinance is not adopted the County would not be able to collect the delinquent user charges on the property tax roll and would have to use other means to collect this delinquent user charges such as taking the property owner to collections.

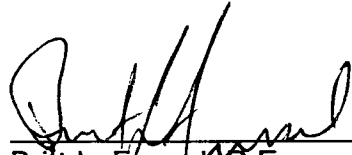
**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

County Counsel has reviewed the proposed ordinance.

**SUBJECT:** Authority to Collect Delinquent User Charges on the Property Tax Roll for  
Seville Water Company

**DATE:** June 21, 2011

**ADMINISTRATIVE SIGN-OFF:**

 6/14/11

Britt L. Fusser, P.E.

Assistant Director—Public Works  
County Surveyor

BF:

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

Attachment(s) Ordinance  
Ordinance Summary for Publication

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

IN THE MATTER OF AUTHORITY TO  
COLLECT DELINQUENT USER CHARGES  
ON THE PROPERTY TAX ROLL FOR  
SEVILLE WATER COMPANY

)  
) RESOLUTION NO. \_\_\_\_\_  
)  
)

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 21, 2011, BY  
THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. On June 21, 2011, introduced and waived the first reading of an uncodified Ordinance to place delinquent user charges on the property tax roll for Seville Water Company; and
2. Directed the Clerk to the Board to publish a summary and post a certified copy of the proposed ordinance at least five (5) days prior to adoption in accordance with Government Code Section 25124(b)(1).

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

IN THE MATTER OF AUTHORITY TO  
COLLECT DELINQUENT USER CHARGES  
ON THE PROPERTY TAX ROLL FOR  
SEVILLE WATER COMPANY

)  
) RESOLUTION NO. \_\_\_\_\_  
) ORDINANCE NO. \_\_\_\_\_  
)

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY  
SUPERVISOR \_\_\_\_\_, THE FOLLOWING WAS ADOPTED BY THE  
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD JUNE 28, 2011, BY  
THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

BY: \_\_\_\_\_  
Deputy Clerk

\* \* \* \* \*

1. On June 28, 2011, waived the second reading and adopted the uncodified Ordinance to place delinquent user charges on the property tax roll for Seville Water Company; and
2. Directed the Clerk to the Board to publish a summary and post a certified copy of the ordinance within fifteen (15) days after adoption in accordance with Government Code Section 25124(b)(1).

ORDINANCE NO.

AN UNCODIFIED ORDINANCE PERTAINING TO THE  
ESTABLISHMENT OF ALTERNATE METHODS OF COLLECTION  
OF DELINQUENT ACCOUNT BALANCE FOR THE COSTS OF  
PROVIDING WATER SERVICE WITHIN THE SEVILLE WATER  
COMPANY

SECTION 1. ALTERNATE METHODS OF COLLECTION OF DELINQUENT  
ACCOUNT BALANCE.

- (a) In addition to, or as an alternative to other methods, and at the option of the County, the County may file a civil action for the collection of any amounts due and unpaid. This remedy shall be cumulative and in addition to the means of enforcing payment of the sum required to be paid by this Ordinance.
- (b) In addition to, or as an alternative to other methods of collection of amounts due and unpaid, the County may act, pursuant to Sections 5470 - 5474.10 particularly section 5473a of the Health and Safety Code, as amended, as follows:
  - (1) Once a year the Board may cause to be prepared a report of delinquent fees and late charges. The Board shall fix a time, date and place for hearing the report and any objections or protests thereto;
  - (2) The Board shall cause notice of the hearing to be mailed to the landowners listed on the report not less than ten (10) business days prior to the date of the hearing. The notice shall be in published accordance with the provisions of section 5473.1 of the Health and Safety Code of the State of California;
  - (3) At the time stated in the notice, the Board shall hear and consider all objections or protests, if any, to said report referred to in said notice and may continue the hearing from time to time. If the Board finds that protest is made by the owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel or parcels of land. Upon the conclusion of the hearing, the Board may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report which determination shall be final.
  - (4) The tax collector shall include the amount of the charges on bills for taxes levied against the respective lots and parcels of land. Thereafter

the amount of the charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the entity, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties. A certified copy of the confirmed report shall be filed with the County Auditor on or before August 10<sup>th</sup> of each year following the hearing for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. Except as provided in Health & Safety Code Section 5473.8, the amount of the charges shall constitute a lien against the lot or parcel of land against which the charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy.

All laws applicable to the levy, collection and enforcement of general taxes of the County of Tulare, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund and redemption, are applicable to such charges, except that if any real property to which such charges relate has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of such taxes would become delinquent, then the lien which would otherwise be imposed by Health & Safety Code Section 5473.5 shall not attach to such real property and the charges relating to such property shall be transferred to the unsecured roll of collection.

- (5) The tax collector may, in his discretion, issue separate bills for such charges and separate receipts for collection on account of such charges. The County of Tulare may provide for a basic penalty of not more than 10 percent for nonpayment of the charges within the time and in the manner prescribed by it, and in addition may provide for a penalty of not exceeding 1 and one-half percent per month for nonpayment of the charges and basic penalty. It may provide for collection of the penalties herein provided for.

The County of Tulare shall notify the assessee shown on the latest equalized assessment roll whenever delinquent and unpaid charges for services which would become a lien on the property remain delinquent and unpaid for 60 days.

Charges for services and facilities furnished by the County of Tulare shall constitute a lien against the lot or parcel of land for which the service was provided if the charges remain delinquent for a period of 60 days, and the entity has notified the assessee of the property shown on the latest equalized assessment roll of the delinquent charges and the lien.

The lien provided herein shall have no force or effect until a certificate specifying the amount of the unpaid charges is recorded with the county recorder and when so recorded shall have the force, effect and priority of a judgment lien and continue for three years from the time of recording unless sooner released or otherwise discharged.

SECTION 2. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof a summary shall be published once in the Visalia Times-Delta, a newspaper printed and published in the County of Tulare, State of California, together with the names of the Board of Supervisors voting for and against the same.

THE FORGOING ORDINANCE was passed and adopted by the Board of Supervisors of the county of Tulare, state of California, on the \_\_\_\_\_ day of \_\_\_\_\_ 2011 at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES:

NOES:

ABSENT:

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Mike Ennis, District Five  
Chairman, Board of Supervisors

ATTEST: Jean M. Rousseau  
County Administrative Officer  
Clerk, Board of Supervisors

By: \_\_\_\_\_



## ORDINANCE NO.

Pursuant to Government Code Section 25124(b)(1), the following is a summary of an uncodified ordinance pertaining to the establishment of alternate methods of collection of delinquent account balance for the costs of providing water service within the Seville Water Company.

### Summary of the Proposed Ordinance

The proposed ordinance provides for the provision to collect delinquent water user charges, for the Seville Water Company, on the property tax roll.

The effective date of this ordinance shall be 30 days after adoption by the Board of Supervisors.

The ordinance herein summarized will be considered by the Tulare County Board of Supervisors on \_\_\_\_\_, 2011 at a regular meeting of the Board. At least five (5) days prior to \_\_\_\_\_, 2011, a certified copy of the full text of the proposed ordinance shall be posted in the office of the Clerk to the Board of Supervisors and shall be available for public inspection at that location.

COUNTY OF TULARE

By \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST: Jean M. Rousseau  
County Administrative Officer/  
Clerk to the Board of Supervisors

By \_\_\_\_\_  
Deputy