



City of Biggs

Agenda Item Staff Report For the Regular City Council Meeting: July 26, 2016

TO: Honorable Mayor and Members of the City Council

FROM: City Administrator

SUBJECT: Resolution approving and confirming report of delinquent utility charges and authorizing the City Clerk to effectuate the levy of delinquent charges

Background:

The attached report of delinquent utility charges is recommended to be forwarded to the County of Butte Tax Collector to be levied against the respective lots and parcels of land.

Recommendation:

Hold a public hearing.

Approve **RESOLUTION NO. 2016-13**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING AND CONFIRMING THE REPORT OF DELINQUENT UTILITY CHARGES AND AUTHORIZING THE CITY CLERK TO TAKE NECESSARY ACTIONS TO EFFECTUATE THE LEVY OF DELINQUENT CHARGES IDENTIFIED IN THE REPORT.

Mark Sorensen, City Administrator

City of Biggs City Council
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Tuesday July 26, 2016 at 6:30 p.m., or as soon thereafter as the matter may be heard, the Biggs City Council will conduct a public hearing at City Hall in the Council Chambers, 3016 Sixth Street, Biggs, California, to consider the following matter:

Approval of the Report of Delinquent Fees (Report) related to utility charges for collection on the property tax roll prepared by the Butte County Tax Collector.

A list of addresses potentially affected by this action is on file with the City Clerk.

City Council shall make its determination upon each charge as described in the Report. Their final determination shall cause the Report to be filed with the County of Butte. The Tax Collector shall include said delinquent fees and charges for taxes levied against the respective lots and parcels of land.

Property owners and any other interested persons may contact Marlee Mattos, Billing and Collections, at 868-5493, or submit written comments to City Hall prior to July 26, 2016, or in person at the Public Hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Billings and Collections, 3016 Sixth Street, Biggs at or prior to the close of the public hearing.

Dated / Published: July 13, 2016 and July 20, 2016

Roben Dewsnup
City Clerk
City of Biggs

RESOLUTION 2016-13

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING
AND CONFIRMING THE REPORT OF DELINQUENT UTILITY CHARGES AND
AUTHORIZING THE CITY CLERK TO TAKE NECESSARY ACTIONS TO
EFFECTUATE THE LEVY OF DELINQUENT CHARGES
IDENTIFIED IN THE REPORT**

WHEREAS, the City of Biggs (City) provides certain utility services to its citizens; and,

WHEREAS, it is in the best interest of the City and all rate payers for the City to pursue the most effective and secure collections actions allowable by law on all delinquent accounts for which such action is permissible under the law; and,

WHEREAS, the accounts listed on the Report of Delinquent Charges (Report), attached as Exhibit A, have not paid their accounts in a timely fashion and are subject to levy on the tax roll pursuant to Biggs Municipal Code section 10.30.070, Revenue and Taxation Code section 327, Health and Safety Code sections 5473 et. seq.; and,

WHEREAS, on July 12, 2016, the account holders of accounts listed in the Report were mailed a notification of the City's intention to consider placement of their delinquent charges on the tax roll at a date and time consistent with tonight's hearing and on July 13, 2016 and July 20, 2016, notice of the hearing was published in the Gridley Herald; and,

WHEREAS, the assessment being levied is in compliance will all laws pertaining to it, including, but not limited to Proposition 218; and,

WHEREAS, the assessment is being levied without regard to property valuation of the properties involved; and,

WHEREAS, the authority for the levy is set forth in Health and Safety Code sections 5473 et seq., and the purpose of the assessment is to secure payment to the City of Biggs of delinquent utility payments; and,

WHEREAS, after a hearing held at the time and place set forth in the notice, the City Council wishes to effectuate the collection of the delinquent charges in the Report through placement of the charges identified therein on the Butte County (County) tax roll.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Biggs hereby approves, confirms and authorizes:

1. The foregoing recitals are true and correct and this Council so determines.
2. The City Council directs the City Clerk to make any amendments to the Report as necessary, removing parcels from the report for which payment has been made before July 26, 2016. The City Council hereby approves, confirms and adopts the Report, amended as

authorized and attached hereto and incorporated herein by reference and determines that each charge is proper and correct.

3. The City Council hereby levies the delinquent charges identified in the confirmed Report for Fiscal Year 2016-2017 at the amounts, attached as Exhibit A. The City Clerk is hereby authorized and directed to file the Special Assessment roll with the Auditor of the County of Butte.

4. This Resolution shall take effect immediately upon adoption.

I certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Biggs at its special meeting of July 26, 2016 by the following vote:

AYES: Council Members: _____

NOES: Council Members: _____

ABSENT: Council Members: _____

ABSTAIN: Council Members: _____

ATTEST:

Roben Dewsnup
CITY CLERK

Roger L. Frith
MAYOR

EXHIBIT A
REPORT OF DELINQUENT UTILITY CHARGES
City of Biggs
Listing of Delinquent Utility Fees and Charges for
Collection on the 2016-2017 Tax Bill

Name	Parcel Number	Amount of Levy	Tax Code
Leo Ferko	001-011-023-000	\$1850.00	70002
Carole Gibbon	001-056-007-000	\$1986.17	70002
Rufus Casey	001-181-006-000	\$3136.57	70002

**COLLECTION OF DELINQUENT UTILITY FEES AND CHARGES ON THE TAX
ROLL ALONG WITH GENERAL TAXES**

NOTICE OF PUBLIC HEARING

To:

PLEASE TAKE NOTICE THAT AT 6:30 PM, ON TUESDAY, JULY 26, 2016, AT THE BIGGS CITY COUNCIL CHAMBERS, 3016 SIXTH STREET, BIGGS, CALIFORNIA, A PUBLIC HEARING WILL BE HELD BEFORE THE BIGGS CITY COUNCIL AND PURSUANT TO HEALTH AND SAFETY CODE SECTION 5473a AND THE BIGGS MUNICIPAL CODE FOR THE REASON AND PURPOSE OF ESTABLISHING DELINQUENT CITY OF BIGGS SERVICE FEES AND CHARGES UPON THE BUTTE COUNTY TAX ROLL

Your property is listed as a property for which fees for such services and charges are delinquent and there has been a failure to pay as required.

The parcel number is:

The address is:

The amount of such delinquency is: \$

All of the above information is set forth in the Written Report prepared by City of Biggs staff. This report will be presented to the Biggs City Council at the above-stated time and place. Staff will recommend its adoption.

If adopted as to your property, the amount therein will be charged as a lien on the subject property and shall be subject to levy according to law.

If you wish to contest this matter or otherwise appear, you may attend this public hearing.

Dated: July 12, 2016

By: _____
Roben Dewsnup
City Clerk, City of Biggs

**DECLARATION OF MAILING/POSTING
COLLECTION OF DELINQUENT UTILITY FEES AND CHARGES ON THE TAX
ROLL ALONG WITH GENERAL TAXES
NOTICE OF PUBLIC HEARING**

On July 12, 2016, in the City of Biggs, Butte County, California, I deposited in the United States mail envelopes with first-class postage prepaid thereon, containing the above subject Notice of Collection of Delinquent Utility Fees and Charges on the Tax Roll Along With General Taxes, attached hereto and marked Exhibit A.

The three (3) prepared notices and three (3) prepared envelopes correspond to the three (3) parcels set forth in the Report. I executed each notice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 12, 2016 at Biggs, California


Roben Dewsnup