



CONSENT CALENDAR

City of San Bernardino Request for Council Action

Date: July 17, 2024

To: Honorable Mayor and City Council Members

From: Rochelle Clayton, Acting City Manager;
Lynn C. Merrill, Director of Public Works

Department: Public Works

Subject: **Public Hearing and Resolution Confirming Assessments for Delinquent Solid Waste Collection Service Charges on the Property Tax Roll for Fiscal Year 2024-25 (All Wards)**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution 2024-169, authorizing the Mayor and City Council of the City of San Bernardino, California, to adopt the report proposing to have delinquent solid waste collection service charges collected on the tax roll.

Executive Summary

On May 23, 2024, an administrative hearing was held pursuant to section 8.24.050 of the Municipal Code to address delinquent account statuses. Under Government Code sections 38790.1 and 25831, and Chapter 8.24 of the San Bernardino Municipal Code, the City is authorized to place solid waste collection charges delinquent for 60 days or more on the annual secured property tax roll. A resolution is proposed to confirm the placement of liens on the delinquent accounts. Staff recommends that the Mayor and City Council conduct a Public Hearing to consider and adopt the resolution authorizing the filing of liens against these properties with the County Assessor.

Background

On April 1, 2016, the City of San Bernardino contracted with Burrtec Waste Industries ("Burrtec") to provide solid waste collection services.

Government Code sections 38790.1 and 25831, and Chapter 8.24 of the San Bernardino Municipal Code authorize the City to place solid waste collection charges delinquent for 60 days or more on the annual secured property tax roll. Customers who do not pay in full within 45 days after the date of billing are notified by Burrtec that if the bill is not paid within 15 days of the notice, the delinquent charges will accrue a

10% penalty and 1.5% monthly interest and may be placed on the County property tax rolls.

Discussion

On May 23, 2024, pursuant to section 8.24.050 of the Municipal Code, an administrative hearing was held to hear protests and resolve any issues or concerns involving customers delinquent account status, prior to this public hearing before the Mayor and City Council. Each affected property owner and tenant were notified of the administrative hearing and public hearing. Four individuals submitted public comments by email. Three individuals spoke with Burrtec representatives to address delinquent billings. Zero individuals personally appeared before the hearing officer.

In an effort to provide property owners and tenants with timely answers to commonly asked questions this year, staff included a *Frequently Asked Questions* insert along with the Notice of Administrative Hearing and Public Hearing. The insert included information regarding the administrative hearing, the public hearing, the delinquent charges, how to make payment, and the deadline for payment.

Over the course of the last two months, since the Notice of Administrative Hearing and Public Hearing was mailed to the affected customers, a number of customers have either made payment arrangements or paid their delinquencies in full. Those customers have been removed from the list of properties to be assessed. On April 1, 2024, the delinquency list consisted of 5,338 parcels with a total delinquency amount of \$1,246,795.94. On May 23, 2024, the delinquency list consisted of 3,536 parcels with a total delinquency of \$886,731.10. On June 3, 2024, the delinquency list consisted of 2,641 parcels with a total delinquency amount of \$808,523.73. On July 10, 2024, the delinquency list consisted of 2,313 parcels with a total delinquency amount of \$733,589.83. We anticipate the list will continue to decrease due to payments, up until the time of submission to the County in August 2024.

A resolution has been prepared confirming the placement of liens on approximately 2,313 accounts and authorizing the subsequent assessment for all fees and charges, should they remain unpaid at the time of submission to the County Assessor. Staff recommends that, as authorized by the San Bernardino Municipal Code, the Mayor and City Council conduct a Public Hearing to consider the placement of liens against the delinquent properties identified in Exhibit A and adopt a resolution authorizing the filing of liens against certain properties for delinquent solid waste accounts with the San Bernardino County Auditor-Controller/Treasurer/Tax Collector. Exhibit A identifies delinquent properties identified as of July 10, 2024

2021-2025 Strategic Targets and Goals

Confirming assessments and proceedings for unpaid solid waste collection services is consistent with Key Target No. 1b: Continue to seek opportunities to secure long-term revenue sources as the collection of unpaid delinquent solid waste collection charges enables the waste hauler to continue providing mandatory waste removal services throughout the City.

Fiscal Impact

There is no fiscal impact to the City. As of July 10, 2024, the total of delinquent solid waste charges proposed to be collected on the property was \$733,589.83. The proposed placement of assessments on the listed properties ensures that the City of San Bernardino and Burrtec are able to recover the amounts owed for services provided to the customers.

Conclusion

It is recommended that the Mayor and City Council of the City of San Bernardino, California adopt Resolution No. 2024-169, authorizing the Mayor and City Council of the City of San Bernardino, California, to adopt the report proposing to have delinquent solid waste collection service charges collected on the tax roll.

Attachments

Attachment 1	Resolution No. 2024-169
Attachment 2	Exhibit A to Resolution No. 2024-169-Delinquent Properties Parcel List as of July 10, 2024
Attachment 3	Proof of Mailing - Notice of Administrative Hearing and Public Hearing & Frequently Asked Questions
Attachment 4	Notice of Administrative Hearing and Public Hearing
Attachment 5	Frequently Asked Questions
Attachment 6	Notice of Delinquency
Attachment 7	Sample Invoice
Attachment 8	San Bernardino Municipal Code Section 8.24.040
Attachment 9	San Bernardino Municipal Code Section 8.24.050
Attachment 10	Administrative Hearing Decision and Order and Report

Ward:

All Wards

Synopsis of Previous Council Actions:

March 06, 2017 The Public Hearing was opened and continued to the Mayor and City Council meeting of March 20, 2017.

March 20, 2017 Resolution No. 2017-50 was approved authorizing the Placement of Liens for Solid Waste Accounts delinquent as of the Second Quarter 2016, Third Quarter 2016, October 2016, and November 2016.

May 15, 2017 Resolution No. 2017-87 was approved authorizing the Placement of Liens for Solid Waste Accounts delinquent as of December 2016 and January 2017.

July 18, 2018 Resolution No. 2018-213 was approved authorizing the Placement of Liens for Solid Waste Accounts delinquent as of February 2017 through January 2018.

July 17, 2019 Resolution No. 2019-181 was approved authorizing the Placement of Liens for Solid Waste Accounts delinquent as of February 2017 through January 2019.

July 1, 2020 Resolution No. 2020-151 was approved authorizing the Placement of Liens for Solid Waste Accounts delinquent as of February 2019 through January 2020.

June 16, 2021 Resolution No. 2021-137 was approved authorizing the Placement of Liens for Solid Waste Accounts delinquent as of February 2018 through January 2021.

June 15, 2022 Resolution No. 2022-111 was approved authorizing the Placement of Liens for Solid Waste Accounts delinquent as of February 2019 through January 2022.

June 21, 2023 Resolution No. 2023-083 was approved authorizing the Placement of Liens for Solid Waste Accounts delinquent as of February 2020 through January 2023.