



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE May 20, 2008

SUBJECT: Public Hearing - Delinquent Utility Account Lien

Report in Brief

The real property located at 784 Bourn Drive has been receiving City sewer service since May 2002; however, the related utility account was not billed for this service until August 2007. State law allows for recovery of unbilled amounts for a maximum of three years, and the City is seeking repayment for three years of sewer service. The Finance Department has attempted to initiate a payment plan with the property owner with respect to the unpaid fees; however the attempt has been unsuccessful and the balance remains unpaid. Additionally, current monthly utility charges are unpaid and delinquent. On May 6, 2008, City Council set a public hearing date for May 20, 2008 to receive comments on this topic.

Staff recommends that the City Council hold the public hearing and adopt Resolution No. _____ to direct the Tax Collector of Yolo County to assess a lien against real property, located at 784 Bourn Drive, to collect the delinquent utility amounts.

Background

In April of 1990, the City and certain property owners in the Gibson Ranch area signed agreements to be annexed into the City limits. A requirement of this agreement was that the property owners abandon their private septic systems and connect to the City sewer services. The sewer service was subsequently installed in May 2002; however, the Finance Department was not notified of the tie-in and therefore the utility account was not modified to include the sewer service charges.

In August 2007, the Finance Department notified the property owner of the unpaid service, and attempted to initiate a payment plan to recover \$939.09 in unpaid services rendered. The City has yet to receive any payments toward this amount. Additionally, regular monthly utility account billings are delinquent.

On May 6, 2008 the City Council set a public hearing date for May 20, 2008 to receive comments regarding the proposed lien.

Discussion

In May 2002, a group of residential units along Bourn Drive were connected to the City's sewer system. The Finance Department was not notified of these changes in service, and the utility accounts of six homes were not modified to reflect the additional charge. This error was discovered in August 2007 when one of the accounts became delinquent with only water utility charges. The Finance department contacted the affected property owners and informed of the change in their accounts and of the State's allowance for three years of retroactive billings. All other property owners, with the exception of 784 Bourn Drive, have signed payment agreements.

The Finance Department has written two letters to the property owner of 784 Bourn Drive seeking resolution of a payment plan. Additionally, the property owner met with the City Manager on March 3, 2008 to discuss the retroactive payments and continued billing of sewer service charges. All attempts to reach an agreement have been unsuccessful, and the delinquent charges continue to accumulate. This account is delinquent for a total of \$1,154.64.

Fiscal Impact

Total delinquent charges for which the lien would be filed (\$2,093.73) include \$939.09 of retroactive sewer charges and \$1,154.64 in delinquent monthly account charges.

Public Contact

Posting of the City Council agenda and a letter to notify the property owner of the public hearing.

Recommendation for Action

Staff recommends that the City Council hold the public hearing and adopt Resolution No. _____ to direct the Tax Collector of Yolo County to assess a lien against real property, located at 784 Bourn Drive, to collect the delinquent utility amounts.

Prepared by: Kim McKinney
Senior Accountant

Reviewed by: Joan Drayton
Finance Director

Mark G. Deven
City Manager

Attachments

Recording requested by

City of Woodland

and when recorded Courier to:

#43 City Clerk
City of Woodland
300 First Street
Woodland, CA 95695

Resolution No. _____

**A Resolution Directing Tax Collector of Yolo County
To Collect Delinquent Utility Accounts**

The City Council of the City of Woodland hereby finds and declares that:

1. The utility account for the real property located at 784 Bourn Drive is delinquent.
2. The time and place for submitting the report to the Council has been noticed as required by law.
3. The date and time for the hearing and considering the list has been noticed as the 20th day of May, 2008, at 6:00 p.m., City Hall, Council Chambers, Woodland, CA.
4. The City Council finds that said delinquent utility account is correct and that the amounts charged are reasonable.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Woodland hereby directs the Tax Collector of the County of Yolo to place the liens on the 2008-2009 tax rolls and collect the amounts past due in the manner provided by law.

PASSED AND ADOPTED this 20th day of May, 2008, by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

David M. Flory, Mayor

ATTEST:

Susan L. Vannucci, CMC, City Clerk