



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: July 15, 2008

SUBJECT: Waste Management Liens

Report in Brief

This annual Public Hearing is held to allow for those property owners with delinquent Waste Management accounts for services received, including garbage, recycling and yard refuse pick-up and disposal, and for sweeping of the street, to address the Council prior to the attachment of a lien against their property. The Hearing is required prior to adoption of the Resolution to request the lien attachment. The list is attached to Council packets only for review and will not be placed on the Website for general public review. This year, the preliminary list contains 837 properties subject to lien, compared to past years of 501 in 2006-07 and 409 in 2007-08. There is no doubt the dramatic increase in property liens is due to the substantial foreclosures of properties.

Staff recommends that Council conduct the Public Hearing to receive input from property owners and adopt Resolution No. _____, "A Resolution Approving List of Delinquent Refuse Accounts and Directing the Tax Collector of Yolo County to Collect Delinquent Accounts".

Background

In 1989 the City negotiated a new Franchise Agreement for garbage/yard refuse service with Waste Management of Woodland. One of the changes from the prior Agreement was that Waste Management would assume the billing responsibilities for refuse services to Woodland customers. At that time, Waste Management requested and permission was granted to request the City Council file property liens to recover delinquent accounts. The Agreement was amended to add collection of recyclable materials which are a part of the billing and delinquencies. Before filing a lien with the County, a Public Hearing needs to be held to allow protests of the proposed liens. This Public Hearing is scheduled for the upcoming Council meeting of July 15, 2008.

The current City Municipal Code Section 23C-4 provides the parameters for garbage and yard refuse disposal and services, while Section 23C-12 discusses the recycling portion of the service as provided by the Waste Management Franchise Agreement.

In 2007 the Waste Management Franchise Agreement was re-negotiated and amended, but is substantially in the same format. Council approved that new Agreement with the amendments as presented.

This current request is in keeping with the annual process that has been developed in conjunction with Waste Management to assure adequate notification of the property owners to provide an opportunity for them to bring their accounts current and avoid a lien attachment.

Staff has been working with Waste Management and the County Assessor to determine the accuracy of the proposed lien list. Those inaccuracies will be corrected and/or removed from the list prior to attachment of the liens. The City should not be actively involved in discussions regarding the billing itself and refers those questions to the Waste Management staff for resolution. While it is not City responsibility to become involved in the dispute of the billing, staff does attempt to mediate by providing contact information at Waste Management for resolution attempts. The primary roll of the City staff is to obtain approval to attach the lien and to release the lien once verification of payment has been received.

Discussion

The utilization of Waste Management for the issuance of service bills has saved the City a tremendous amount of time and funds to issue and collect such bills. There had been some concerns over the past several years regarding the process and cooperation between the City and Waste Management billing staff on assessing the liens, receiving adequate and prompt information from Waste Management on the lien list, and assistance in resolving customer problems and issues. City staff and Waste Management staff had held several meetings, set up a process and timeline and established a point of contact at each entity to alleviate many of the concerns. The process, thus, has greatly improved with relatively few problems arising.

When the new Agreement was negotiated in 2007, some of the issues were addressed and the comfort level of all involved greatly enhanced. It was determined at that time to not amend the Franchise Agreement reversing the agreement for the City to handle the lien processing.

As this method of collecting past due accounts has saved the City time and money, it would be suggested that the process continue as in the past. Should Council determine another course of action, the cost factor would need to be considered. It is anticipated that another full time staff member would be required to adequately handle the billing and collection of delinquent accounts. As well, the collection would be subject to the Small Claims Court process which would have further costs associated with that process.

Fiscal Impact

There is little to no fiscal impact to the City to maintain the current process, other than time constraints for processing and releasing the liens. The fees for the recordings are attached to the total amount of the lien and the property owner assumes that cost.

Public Contact

Waste Management provides reminder bills for overdue accounts. As the billing cycle is every two months, if not paid by the end of the cycle, the property owner is two months in arrears. As well, Waste Management sends a letter to the property owners indicating to them their property will have a lien placed if the service fee is not paid by a designated date. The Public Hearing notice is also published in the newspaper in a timely manner, and the Agenda is posted well beyond the legal requirements.

Recommendation for Action

Staff recommends that Council conduct the Public Hearing to receive input from property owners and adopt Resolution No. _____, “A Resolution Approving List of Delinquent Refuse Accounts and Directing the Tax Collector of Yolo County to Collect Delinquent Accounts”.

Prepared by: Sue Vannucci, Director of
Administrative Services
and City Clerk

Mark G. Deven
City Manager

Attachment: Lien List (Council only)

Recording requested by

City of Woodland

and when recorded Courier to:

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

Resolution No. _____

**A Resolution Approving List of Delinquent Refuse
Accounts and Directing Tax Collector of Yolo County
To Collect Delinquent Accounts**

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

1. A list of refuse accounts has been prepared by the refuse collection franchisee, Waste Management of Woodland.
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 15th day of July, 2008, at 6:00 p.m., City Hall, Council Chambers, Woodland, CA.
4. The City Council finds that said list of delinquent garbage/yard refuse accounts is correct and that the amounts charged are reasonable.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Woodland hereby approves the list of delinquent refuse accounts and the 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 15th day of July, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

Marlin H. Davies, Mayor

Susan L. Vannucci, Director of
Administrative Services and City Clerk