

TO: BOARD OF DIRECTORS
FROM: BRUCE BUEL *BB*
DATE: JUNE 8, 2007



AUTHORIZE RECORDATION OF TAX LIENS FOR PROPERTIES IN ARREARS IN
PAYMENT OF SOLID WASTE FEES [CONDUCT PROTEST HEARING AND
CONFIRM OR AMEND GENERAL MANAGER'S REPORT]

ITEM

Public Hearing - Unpaid solid waste collection charges [RECOMMEND ADOPTION].

BACKGROUND

On August 10, 2005, the District adopted Ordinance No. 2005-104. This Ordinance made trash collection within the District mandatory. In addition, the Ordinance incorporated the procedures of Section 61621.2 of the Government Code (now Government Code Section 61115(3)(b)) for the collection of delinquent solid waste charges on the tax rolls. Section 7.09.020(A) of the District Code provides:

Upon receipt of the information identified in Section 7.09.010 of this chapter, the District will implement the collection procedures identified in Section 61621.2 of the Government Code for accounts that have accrued a delinquency during the last twelve months.

District Staff has coordinated with South County Sanitary to follow the required procedures.

1. On April 2, 2007, South County Sanitary sent certified letters to each delinquent account giving a 45-day notice to pay pursuant to District Code Section 7.09.010. The letter also stated that non-payment may result in the Nipomo Community Services District placing a lien on owner's property and collection the amount owing with general taxes.
2. On May 15, 2007, South County Sanitary provided the District with the listing of delinquent accounts.
3. On May 23, 2007, Nipomo Community Services District sent a Notice of Public Hearing to each delinquent property owner.
4. On May 23, 2007 and May 30, 2007, the Notice of Public Hearing was published in the Santa Maria Times.
5. Property Owners that have paid since May 15, 2007, have been removed from the delinquency listing.

Now is the time and place for the public hearing for the Board to confirm the report for collection of the charges on the 2007-2008 tax roll and to give opportunity for filing objections and for the presentation of testimony or other evidence concerning said report.

RECOMMENDATION

Adopt Resolution 2007-solid waste including Exhibit "A"

ATTACHMENTS

Resolution 2007-solid waste

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2007-SOLID WASTE**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
CONFIRMING REPORT OF DISTRICT GENERAL MANAGER FOR
UNPAID SOLID WASTE COLLECTION CHARGES**

WHEREAS, the Nipomo Community Services District ("District") makes the following findings of fact:

A. The District is duly authorized to provide its residents with solid waste collection services ("Solid Waste Collection Services").

B. On August 10, 2005, the District duly adopted Ordinance No. 2005-104 that incorporates the procedures of Section 61621.2 of the Government Code (now Government Code §61115(3)(b)) for the collection of delinquent solid waste charges on the tax rolls. Section 7.09.020 (A) of the District Code provides:

A. Upon receipt of the information identified in Section 7.09.010 of this chapter, the District will implement the collection procedures identified in Section 61621.2 of the Government Code for accounts that have accrued a delinquency during the last twelve months.

C. The Franchisee who provides Solid Waste Collection Services, has provided notice to delinquent service accounts pursuant to District Code §7.09.010.

D. The District General Manager has prepared and filed a report ("Report") that describes each affected parcel of real property and the amount of charges and delinquencies for each affected parcel for the year. Said Report is attached hereto as Exhibit "A" and incorporated herein by this reference.

E. The District General Manager, pursuant to Section 6066 of the Government Code, has published notice of the filing of the Report and has caused notice in writing to be mailed to the owner of each affected parcel as shown on the last equalized Assessment Roll available on the date the Report was prepared, at the address shown on the Assessment Roll or as known to the General Manager.

F. On June 13, 2007, a public hearing was held before the District Board at which time all interested persons were given the opportunity to object or protest the Report, or any portions thereof.

RESOLUTION NO. 2007-SOLID WASTE
A RESOLUTION OF THE BOARD OF DIRECTORS OF
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NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District as follows:

1. Each of the above findings is true and correct and incorporated herein by this reference.
2. That the Report (Exhibit "A"), as submitted and revised, by the Board of Directors, is hereby confirmed and adopted.
3. The charges as described in the Report, as revised, shall constitute a lien on the parcel of real property for which said charges are delinquent and unpaid.
4. On or before the August 10, 2007, the District General Manager is authorized to file with the County Auditor a copy of this Resolution and Report showing the unpaid charges as required by Section 61115 (3) (b) of the Government Code.
5. Pursuant to Government Code §61115 (3) (b), the County Auditor shall enter the amount of charges and penalties against each of the affected parcel of real property as they appear on the current Assessment Roll. The County Tax Collector shall include the amount of the charges on the tax bills for each affected parcel of real property and collect the charges in the same manner as property taxes.

On motion of Director _____, seconded by Director _____, and on the following roll call vote:

AYES:
NOES:
ABSENT:
CONFLICT:

the foregoing Resolution is hereby adopted this 13th day of June, 2007.

Michael Winn, President
Nipomo Community Services District
Board of Directors

ATTEST:

APPROVED AS TO FORM:

Donna K. Johnson, Secretary
Board of Directors

Jon S. Seitz, District Legal Counsel
Nipomo Community Services District

EXHIBIT "A"
UNPAID SOLID WASTE COLLECTION CHARGES

	CUSTOMER NAME	ADDRESS	AMOUNT OWING	ASSESSOR PARCEL NUMBER
1	Janice Grabeel Meyers	205 W Price	823.29	090-441-021
2	Edward Castillo	155 E Dana	475.29	090-383-019
3	Brenda Eberhard	732 Palmer	460.29	091-375-011
4	Richard & Margaret Troutman	971 Olympic Way	458.46	091-421-033
5	Janine Gibbons	197 E Dana	413.41	090-383-026
6	Raymondo & Lucy Cano	415 N Thompson	347.72	090-361-021
7	Daniel & Cynthia Cabales	210 N Burton	326.60	090-093-018
8	John & Danette Gonzales	542 Macaw	293.24	092-383-009
9	Charlie Westfall	114 Sea St	277.92	090-363-015
10	Frank & Sara Gonzales	499 S Oakglen	263.80	092-282-003
11	Pauline Sendejas	201 S Burton	246.70	090-442-005
12	Baldermero & G Medina	146 Sea St	235.00	090-363-019
13	Jesus & Rosa Cueva	712 Southland	214.48	092-351-015
14	Garey & Wendie Kuhnle	777 Beverly Dr	207.30	092-462-043
15	Luis & Maria Padilla	372 N Mallagh	206.25	090-364-010
16	Agustin & Evelia Molina	176 E Dana	156.25	090-082-006
17	Michael Cook	672 Story	198.75	092-311-004
18	David Reed	837 W Tefft	195.00	092-130-005
19	Richard M & Sandra M Smith	520 Jones Ln.	195.00	091-445-002
20	Church of the Foursquare	163 W Dana	195.00	090-133-002
21	George Jordan	237 Archer Way	195.00	091-375-007
22	Estate of Vera Seja	706 Southland	195.00	092-351-016
23	Heir of Elena Guzman/Daniel Guzman	253 W Tefft	193.96	090-135-020
24	David & Kathy Ruff	199 N Oakglen	129.26	092-081-003
25	Patricia J Bennett	320 Kestrel Way	125.00	092-533-022
26	Norberto R Orozco	210 E Tefft	115.00	090-372-019
27	Keith Benzon	508 Montecito Verde	110.96	092-291-009
28	Harold & Glenna Call	535 Lois Ln.	105.96	092-463-026
29	Miriam Y & Herberth H Salamanca	130 E Branch	100.96	090-385-024
30	Cristobal Ibarra	585 Belanger	100.96	092-291-035
31	Ricardo Rodriquez	890 Southland	71.32	092-331-038
32	Keith Crist	721 Orchard	52.98	092-152-036
33	Edward Depew	596 Felicity Way	61.32	092-302-013
34	Jeff Cutler	519 Margie Pl	40.00	092-304-032
35	Diane Springer	240 S Mesa Rd	47.98	092-510-038