



Folsom City Council Staff Report

MEETING DATE:	7/25/2023
AGENDA SECTION:	Public Hearing
SUBJECT:	Resolution No. 11078 - A Resolution of the City Council of the City of Folsom Approving and Confirming the Report of Delinquent Utilities Charges and Requesting Sacramento County to Collect Such Charges on the Tax Roll
FROM:	Finance Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends, that the City Council review the attached Report of utilities delinquencies, hold a public hearing on the Report and accept any oral or written public comment, and adopt Resolution No. 11078 - A Resolution of the City Council of the City of Folsom Approving and Confirming the Report of Delinquent Utilities Charges and Requesting Sacramento County to Collect such Charges on the Tax Roll.

BACKGROUND / ISSUE

The City provides various utilities services to properties throughout the City, including sewer, water, and garbage services, for which the City charges a fee for service. While most accounts within the City are current, there are some delinquent utilities accounts. A Delinquent Utilities Charge Report (“Report”) specifying the delinquency by parcel number and type of property is attached showing delinquencies totaling \$387,686.99.

Following notice and a public hearing, the City Council may pass a resolution, by at least a two-thirds vote, requesting that the County Auditor/Tax Collector transfer the City’s delinquent utilities charges to the property tax roll for collection with property taxes. Staff recommends the City Council consider the attached Report, hold a public hearing, and accept public comments on this matter, and authorize transfer of any delinquent utilities’ charges to the County for collection on the property tax roll.

Despite some delinquencies, the City has had remarkable success in utility collections. Utility billing collections average \$45,607,707 annually. These collections include water, city sewer, and solid waste services. The total utility delinquency amount is approximately \$515,000. The City has a total of 26,523 open accounts. The total number of delinquent open accounts is 460. The delinquency dollar amount represents a 1.1% utility delinquency rate for the City.

POLICY / RULE

Folsom Municipal Code and state law provide that, following notice and a public hearing, the City Council may adopt a resolution transferring delinquent utilities charges to the County tax roll for collection with property taxes. (Cal. Gov't Code 25831, 38790.1; Cal. Health and Safety Code §§ 5470 et seq.; Folsom Municipal Code Chapters 3.20 (collection of municipal service charges generally) 13.12 (collection of sewer charges). The resolution authorizing the transfer must be passed by the City Council by a two-thirds vote. (Cal. Health & Safety Code § 5473).

ANALYSIS

The City provides sewer, water, and garbage services to properties within the City, for which it charges the users. While the vast majority of accounts throughout the City are current, there are some accounts that are more than 60 days delinquent in payment and appropriate for transfer to the County tax roll for collection. The total amount of these eligible delinquent accounts is \$387,686.99 as indicated on the attached Report. The Report captures accounts that were noticed with a delinquent amount of \$500 or greater. The City has not charged any penalties or shut off water on delinquent accounts since March of 2020. The last time a request was made to transfer delinquent utilities to the tax roll was July of 2020.

State law authorizes the City Council, by resolution adopted by at least a two-thirds vote, to request that the County Auditor/Tax Collector transfer these delinquent amounts to the property tax roll for collection with general property taxes. Prior notice of the hearing is to be mailed to the property owners not less than ten days before the hearing. (Cal. Gov't Code §§ 38790.1, 25831). Notice is also to be published in a newspaper of general circulation for two consecutive weeks prior to the hearing. (Cal. Health & Safety Code § 5473.1; Cal. Gov't Code § 6066). City staff has satisfied these notice requirements by mailing notice to affected property owners on June 22, 2023. A public hearing notice was published in the Folsom Telegraph on July 6, 2023, and July 13, 2023.

Following a public hearing, the City Council has discretion to adopt the Report as presented, modify the Report, or decline to adopt the Report. However, if the City Council finds that valid protests are made by the owners of a majority of separate parcels of property described

in the Report, the Council may not adopt the Report and may not transfer the delinquencies to the tax roll. (Cal. Health & Safety Code § 5473.2). Upon passage of the resolution confirming the Report of delinquencies, as presented, or modified, the Revenue Division will transmit the Report to the Auditor/Tax Collector for placement of the charges on the tax rolls for collection with property taxes. County staff has advised City staff that in order to have the matters placed on the tax roll for this year, the Report must be transmitted to the County no later than *August 4, 2023*.

FINANCIAL IMPACT

The City currently has \$387,686.99 in delinquent charges that are appropriate for transfer to the tax rolls. Approving this item and authorizing the transfer will help toward collection of these amounts. Should the County accept these amounts, the City will receive payment directly from the County for these amounts and the County will pursue collection through the tax rolls.

ENVIRONMENTAL REVIEW

This action does not constitute a “project” under the California Environmental Quality Act (“CEQA”) and does not require environmental review.

ATTACHMENTS

1. Resolution No. 11078 - A Resolution of the City Council of the City of Folsom Approving and Confirming the Report of Delinquent Utilities Charges and Requesting Sacramento County to Collect such Charges on the Tax Roll

Submitted,

Stacey Tamagni, CPA
Director of Finance

RESOLUTION NO. 11078

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOLSOM APPROVING AND CONFIRMING THE REPORT OF DELINQUENT UTILITIES CHARGES AND REQUESTING SACRAMENTO COUNTY TO COLLECT SUCH CHARGES ON THE TAX ROLL

WHEREAS, the City of Folsom (the “City”) provides certain solid waste, water, and sewer services to its residents and occupants; and

WHEREAS, Government Code sections 25831 and 38790.1, California Health and Safety Code sections 5473 *et seq.* and Chapters 3.20 and 13.12 of the Folsom Municipal Code authorize the City to have the delinquent charges for the above services (the “Charges”) collected on the tax roll by Sacramento County on the relevant parcels; and

WHEREAS, City staff has prepared a Delinquent Utilities Charge Report (the “Report”) identifying the delinquent charges by Assessor’s Parcel Number; and

WHEREAS, a hearing was held on July 25, 2023, at which the City Council reviewed and considered the Report and any protests related thereto, with prior notice of the hearing being provided as required by law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom:

1. Findings. In reviewing and considering the delinquent Charges and the Report, the City Council hereby makes the following findings:

a. Notice of the public hearing before the City Council was published in a newspaper of general circulation at least once a week for two consecutive weeks prior to the City Council public hearing, and notice was mailed at least ten (10) days prior to the hearing to each affected property owners at addresses as shown on the latest equalized assessment roll or as known to the City; and,

b. Notice of the public hearing before the City Council included the date, time, and place of the public hearing, the identity of the hearing body, and a general explanation of the matter to be considered; and,

c. Upon considering all objections and protests received at the time of the hearing on this matter, the City Council finds that protest by owners of a majority of the parcels of property described in the Report does not exist.

2. Confirming the Report. The City Council hereby approves, confirms, and adopts the Report, as directed and attached hereto and incorporated herein by reference, and determines that the Charges are proper and correct. The City Council directs the Finance Director to make any amendments to the Report as were directed by the City Council and as necessary to remove

parcels from the Report for which payment has been made before transfer of the amounts to Sacramento County for collection on the tax roll, subject to the same penalties, procedure, and sale in case of delinquency as provided for those taxes.

3. Authorization. The City Council hereby authorizes and directs the City Clerk to deliver a certified copy of the finalized Report to the Sacramento County Department of Finance - Auditor Division and to submit a certified copy of this Resolution and Report to the County Recorder for recordation.

4. Services of Sacramento County. The Offices of the Sacramento County Department of Finance - Auditor Division is requested for the placement of the Charges on the Annual Secured property tax roll with the Ad Valorem taxes.

5. General Authorization. The City Manager, City Finance Director, City Clerk, City Attorney and the other officers and agents of the City are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution. All actions heretofore taken by the officers and agents of the City that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

6. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 25th day of July 2023, by the following roll call vote:

AYES: Council Member(s)

NOES: Council Member(s)

ABSENT: Council Member(s)

ABSTAIN: Council Member(s)

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

**City of Folsom Delinquent Utility Charges
as of 7/19/2023**

Parcel Number	Amount
071-0020-111-0000	\$ 21,951.74
072-1190-117-0000	\$ 20,950.96
070-0105-011-0000	\$ 16,952.17
071-0020-103-0000	\$ 6,152.55
072-2010-038-0000	\$ 5,784.99
072-0870-028-0000	\$ 5,583.62
072-1730-005-0000	\$ 5,451.17
072-1250-089-0000	\$ 5,371.87
072-1190-154-0000	\$ 5,244.50
072-1560-013-0000	\$ 4,995.80
071-0650-060-0000	\$ 4,863.68
072-1040-054-0000	\$ 4,803.54
071-0101-005-0000	\$ 4,676.44
071-0920-008-0000	\$ 4,601.68
071-0470-006-0000	\$ 4,600.09
072-1190-109-0000	\$ 4,424.06
072-1190-111-0000	\$ 4,248.34
072-1610-028-0000	\$ 4,129.10
227-0520-007-0000	\$ 4,127.72
069-0710-031-0000	\$ 4,052.94
071-1440-069-0000	\$ 4,042.38
071-0460-020-0000	\$ 3,858.74
213-0580-013-0000	\$ 3,820.66
072-1060-032-0000	\$ 3,775.50
071-1400-045-0000	\$ 3,762.87
227-0280-033-0000	\$ 3,698.90
072-2410-037-0000	\$ 3,695.71
072-1380-045-0000	\$ 3,647.50
072-1720-037-0000	\$ 3,633.41
072-1190-153-0000	\$ 3,422.80
072-1190-152-0000	\$ 3,397.71
072-1250-042-0000	\$ 3,391.96
072-0860-013-0000	\$ 3,280.16
072-3710-025-0000	\$ 3,257.51
071-0243-042-0000	\$ 3,236.85
071-0510-011-0000	\$ 3,198.70
071-1860-007-0000	\$ 3,196.79

070-0146-003-0000	\$ 3,175.11
071-0290-034-0000	\$ 3,114.74
071-0950-021-0000	\$ 3,091.60
070-0052-015-0000	\$ 3,009.70
071-0390-032-0000	\$ 3,003.13
072-1100-031-0000	\$ 2,997.80
072-1810-001-0000	\$ 2,974.00
070-0116-022-0000	\$ 2,918.94
071-0750-009-0000	\$ 2,917.40
072-3170-019-0000	\$ 2,898.98
071-0231-003-0000	\$ 2,889.74
072-1370-024-0000	\$ 2,839.32
071-1460-017-0000	\$ 2,801.03
070-0120-002-0000	\$ 2,788.26
071-1500-012-0000	\$ 2,775.67
071-0950-053-0000	\$ 2,729.22
072-1190-110-0000	\$ 2,722.49
072-0700-007-0000	\$ 2,691.11
227-0390-097-0000	\$ 2,686.95
071-0390-016-0000	\$ 2,626.86
071-0300-053-0000	\$ 2,543.21
070-0210-028-0000	\$ 2,469.33
071-0600-014-0000	\$ 2,416.34
227-0420-006-0000	\$ 2,394.57
071-1840-008-0009	\$ 2,352.29
072-3630-015-0000	\$ 2,302.39
070-0155-006-0000	\$ 2,291.47
071-0290-006-0000	\$ 2,284.32
072-1740-019-0000	\$ 2,220.07
071-1200-029-0000	\$ 2,208.81
072-1210-106-0000	\$ 2,151.47
072-1050-050-0000	\$ 2,137.13
071-1810-027-0049	\$ 2,115.74
213-0071-032-0000	\$ 2,109.06
071-0172-011-0000	\$ 2,067.04
072-2320-015-0000	\$ 2,023.72
071-1030-027-0000	\$ 2,018.70
070-0052-015-0000	\$ 1,993.73
071-1600-076-0000	\$ 1,938.75
072-3870-070-0000	\$ 1,919.60
071-0700-047-0000	\$ 1,856.87
071-1810-049-0037	\$ 1,844.64
072-3660-071-0000	\$ 1,835.25

070-0193-004-0000	\$ 1,819.05
072-3530-018-0000	\$ 1,796.92
071-0660-060-0000	\$ 1,704.42
072-0940-046-0000	\$ 1,686.36
071-0510-044-0000	\$ 1,677.39
072-2930-155-0000	\$ 1,673.58
072-2670-028-0000	\$ 1,609.52
213-0820-023-0000	\$ 1,583.62
071-1490-001-0000	\$ 1,578.39
072-2170-030-0000	\$ 1,562.10
071-2060-013-0000	\$ 1,553.86
072-2790-008-0005	\$ 1,543.46
071-1200-025-0000	\$ 1,540.60
071-0890-001-0000	\$ 1,506.99
072-0940-021-0000	\$ 1,466.33
072-2830-004-0029	\$ 1,440.34
072-1740-024-0000	\$ 1,415.97
071-0163-024-0000	\$ 1,375.42
071-0760-023-0000	\$ 1,359.92
072-0740-013-0000	\$ 1,359.14
071-0091-008-0000	\$ 1,355.41
071-0093-005-0000	\$ 1,309.26
213-0630-004-0000	\$ 1,289.67
072-3150-013-0000	\$ 1,285.06
071-1300-021-0000	\$ 1,254.76
072-1390-050-0000	\$ 1,254.21
072-3810-054-0000	\$ 1,237.82
072-2830-005-0025	\$ 1,234.69
071-1810-032-0017	\$ 1,217.92
071-1840-007-0003	\$ 1,185.32
072-3970-027-0000	\$ 1,184.92
072-1620-064-0000	\$ 1,181.92
071-0350-014-0000	\$ 1,173.25
071-1300-046-0000	\$ 1,128.47
072-1880-042-0000	\$ 1,126.97
072-3760-035-0000	\$ 1,103.37
072-4000-032-0000	\$ 1,062.58
072-2780-063-0000	\$ 1,049.87
071-0214-007-0000	\$ 1,037.83
071-1470-027-0000	\$ 1,025.81
072-3780-025-0000	\$ 1,005.05
071-1420-024-0000	\$ 981.61
072-0890-031-0000	\$ 965.19

071-1730-003-0000	\$	940.94
223-0560-001-0000	\$	911.80
071-0410-013-0000	\$	908.87
071-1800-068-0000	\$	894.79
072-4000-028-0000	\$	830.63
072-0750-017-0000	\$	824.09
072-2500-027-0000	\$	809.39
071-0930-057-0000	\$	788.46
213-0740-055-0000	\$	777.45
227-0550-012-0000	\$	746.02
071-1810-014-0052	\$	720.51
071-0290-022-0000	\$	702.97
072-2660-034-0000	\$	696.88
071-0212-003-0000	\$	693.91
072-3650-047-0000	\$	669.45
072-2030-035-0000	\$	654.90
070-0203-018-0000	\$	642.62
072-3470-091-0000	\$	606.92
071-0073-020-0000	\$	601.09
227-0600-009-0000	\$	597.44
071-1430-028-0000	\$	588.96
070-0154-014-0000	\$	557.61
227-0540-003-0000	\$	551.80
071-0620-013-0000	\$	549.20
072-1210-039-0000	\$	538.91
072-0700-035-0000	\$	526.21
071-0073-023-0000	\$	518.30
072-1990-020-0000	\$	500.87

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CITY OF
FOLSOM
DISTINCTIVE BY NATURE