

July 27, 2023

Board of Directors
Mokelumne Hill Sanitary District

REPEAL OF ORDINANCE 2021-01 AND ADOPTION OF RESOLUTION 2023-01 REGARDING COLLECTION OF SEWER SERVICE CHARGES THROUGH THE COUNTY TAX ROLL

RECOMMENDATIONS

- A. Repeal Ordinance No. 2021-01 Regarding Direct Billing of Sewer Services Charges by the District
- B. Adopt Resolution No. 2023-01 Regarding Collection of Sewer Services Charges by the County of Calaveras; and
- C. Adopt the reports (Exhibit A and Exhibit A1) which has the Assessor's parcel Numbers and the corresponding amount of charges proposed for collection on the County tax rolls; and
- D. File a copy of the adopted reports and resolution with the Calaveras County Auditor-Controller; and
- E. Coordinate collection of sewer service charges on the general Calaveras County tax rolls with the County Auditor-Controller, Assessor, and Tax Collector, and submit to the Auditor-Controller all required forms and data needed to place direct assessment on the tax roll.

FISCAL IMPACT

Collecting sewer service fees in this manner is extremely efficient and economical compared to direct mailing and individual collection. There are also significant savings that result from not having to prepare and mail statements, process receipts, track payments, and handle late and delinquent payments. This action helps to reduce MHSD's overhead (fees, licenses, staffing, insurance, etc.) lessening the need for increased future fees.

BACKGROUND ANALYSIS

California Health & Safety Code §5473 provides that a Sanitary District such as MHSD may elect to have such sewer services charges collected on the tax roll. MHSD has collected delinquent sewer service charges via the general Calaveras County tax rolls for many years. This resolution would allow for regular charges, not just delinquent charges, to be billed through the tax roll. This resolution would also supersede the District's current procedure for putting delinquent charges on the tax roll.

Resolution 2012-03 and Ordinance 2003-01 established sewer fees for the Mokelumne Hill Sanitary District. Resolution 2023-01 would not change any fees, but it would direct the collection of sewer service charges on the Calaveras County tax roll, is attached for your consideration. This action will change the way the District currently collects sewer fees from monthly billing and collection to collection through the Calaveras County tax roll.

Attachments: Exhibit A Parcel Listing (All Accounts)

Exhibit A1 Parcel Listing (Delinquent Accounts)

MHSD Resolution 2023-01

Mokelumne Hill Sanitary District

Board of Directors

RESOLUTION NO. 2023-01

RESOLUTION REQUESTING THE CALAVERAS COUNTY BOARD OF SUPERVISORS TO AUTHORIZE THE AUDITOR-CONTROLLER TO PLACE ON THE COUNTY TAX BILL, AND THE COUNTY TAX COLLECTOR TO COLLECT, REGULAR FEES AND DELINQUENT FEES FOR SEWER AND WASTEWATER SERVICES PROVIDED BY THE MOKELUMNE HILL SANITARY DISTRICT

WHEREAS, on May 2, 2003, pursuant to California Health & Safety Code §6520.5, the Mokelumne Hill Sanitary District (hereinafter “District”) duly enacted Ordinance 2003-01, adopting a rate schedule and, on April 18, 2012, adopted Resolution No. 2012-03 amending that ordinance and establishing its current rate schedule for sewer fees within the District; and

WHEREAS, the District adopted its fee ordinance in compliance with the Government Code including but not limited to the notice, protest, and hearing provisions of Government Code §53755; and has preserved its authority to record and enforce liens on properties owned by delinquent ratepayers by providing the notice required by Government Code §53755(a)(3); and

WHEREAS, California Health & Safety Code §5473 provides that any entity which has adopted an order pursuant to California Health & Safety Code §6520.5 may also adopt a separate ordinance or resolution by a two-thirds vote electing to have its fees collected on the County’s tax roll; and

WHEREAS, the District already collects its delinquent fees through the County’s tax roll pursuant to California Health & Safety Code §6520.10 but has not yet requested to collect its regular non-delinquent fees through the tax roll as authorized in §5473; and

WHEREAS, the District now wishes to request that its regular non-delinquent fees be placed on the County tax rolls and be collected in the same manner as ad valorem property tax and subject to the same penalty as other charges and taxes billed by the County of Calaveras; and

WHEREAS, the District is aware that the County shall retain one percent (1%) of the amount billed to cover the administrative costs of providing this service; and

WHEREAS, on July 27, 2023, the District complied with California Health & Safety Code §5473 et. seq. by holding a public hearing on the reports requesting to collect the District’s service charges on the County tax rolls, by ensuring that a majority of ratepayers did not file written protests against this method of collecting service charges, and by sending timely written notice to all of its ratepayers in addition to publishing notice in the newspaper;

NOW, THEREFORE, BE IT RESOLVED that the District hereby requests the County Auditor-Controller to place fees for sewer, water, and wastewater services shown in Exhibit A on

2023/2024 County tax rolls to be collected in the same manner as ad valorem property tax and subject to the same penalty as other charges and taxes billed by the County of Calaveras; and

BE IT FURTHER RESOLVED that the District hereby requests the County Auditor-Controller to place delinquent fees for sewer, water, and wastewater services shown in Exhibit A1 on 2023/2024 County tax rolls to be collected in the same manner as ad valorem property tax and subject to the same penalty as other charges and taxes billed by the County of Calaveras; and

BE IT FURTHER RESOLVED that the District hereby authorizes Calaveras County to retain one percent (1%) of the amount billed to cover the County Auditor-Controller's and County Tax Collector's administrative costs of providing this service.

ON A MOTION by _____, seconded by _____, the foregoing resolution was duly passed and adopted by the MHSD Board of Directors on this 27th day of July 2023 by the following vote:

AYES:

NOES:

ABSENT:

Signature, Board Member _____ Signature, Board Member _____

ATTEST:

I, Fawn McLaughlin, Secretary of the Mokelumne Hill Sanitary District, do hereby certify that this is a true and correct copy of the original

Witness my hand or the seal of the Mokelumne Hill Sanitary District, on July 27, 2023.

Signature: _____

Title: Fawn McLaughlin, Secretary, MHSD

MHSD Exhibit A

FY 2023-2024

MHSD Exhibit A1

FY 2023-2024