

Resolution No.

# STOCKTON CITY COUNCIL

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## **RESOLUTION OVERRULING PROTESTS, CONFIRMING THE DELINQUENT UTILITY BILLING CHARGES, ADOPTING THE DELINQUENT UTILITY SERVICES CHARGES, 2018 ASSESSMENT REPORT, AND DIRECTING THE ASSESSMENTS BE PLACED ON THE SAN JOAQUIN COUNTY TAX ROLL**

On March 20, 2018, the City Council adopted Resolution 2018-03-20-1403, which reaffirmed and reenacted the City of Stockton's previously adopted water, sewer, solid waste collection, and stormwater service rates and charges, to avail itself of the authority under the California Health and Safety Code to collect such rates and charges on the tax roll; and

Pursuant to California Health and Safety Code section 5473 *et seq.*, the City has the authority to elect to have its water, sewer, solid waste collection, and storm water service charges, and any such delinquent charges and applicable penalties, collected on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, its taxes; and

Hearings were held before an Administrative Hearing Officer from June 28 through July 3, 2018, a copy of which is on file in the office of the City Clerk, wherein all objections to the proposed property tax assessments for delinquent utility charges were heard; and

The Administrative Services Department updated the proposed Delinquent Utility Service Charges, 2018 Assessment Report to reflect the order from the Administrative Hearing Officer; and

Notice of the Public Hearing held on July 17, 2018, was duly and regularly published in The Record in the time, form, and manner required by law, as evidenced by the declaration on file with the City Clerk; and

On June 29, 2018, the City Clerk caused written notice of the report and the date, time, and location of the public hearing to be mailed to each property owner to whom any parcel or parcels of real property described in the report may be subject to assessment; and

A public hearing was held on July 17, 2018, by the City Council to hear and consider all objections and protests to the Delinquent Utility Service Charges, 2018 Assessment Report; and

The City Council finds that it is in the best interests of the City to collect delinquent water, sewer, solid waste collection, and stormwater service charges on the tax roll, which charges shall constitute a lien against the parcel or parcels of land described in the report in accordance with California Health and Safety Code sections 5473 *et seq.*; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City Council hereby finds and determines that protests have not been made by the owners of a majority of the separate parcels or property described in the report. All protests, including all written protests not withdrawn in writing before the conclusion of the public hearing, to the proposed levy of assessments and objections to the charges listed in the Delinquent Utility Service Charges, 2018 Assessment Report, attached hereto as Exhibit 1 and by reference made a part hereof, are hereby overruled.

2. The charges set forth in the Delinquent Utility Service Charges, 2018 Assessment Report for the unpaid utility service charges incurred by property owners to the real properties described in the report are hereby confirmed.

3. The Delinquent Utility Service Charges, 2018 Assessment Report is hereby adopted, which a copy of said report is attached as Exhibit 1 and incorporated by this reference.

4. The City Clerk is hereby authorized and directed to forward a certified copy of this Resolution to the Director of Administrative Services of the City of Stockton, who is hereby authorized to and shall cause the amount of the assessments to be added to Fiscal Year 2018-19 regular bill of taxes levied against said properties for municipal purposes, which said amounts shall be collected at the time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and procedures under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes. On or before the 10th day of August, 2018, the Director of Administrative Services is hereby authorized and directed to file a copy of the report, in either written or electronic form, with the County of San Joaquin Auditor-Controller (or such other County officers as may request same), or such other date as may be permitted by the County of San Joaquin Auditor-Controller or such other County officers.

5. The City Council hereby requests the County of San Joaquin Auditor-Controller (and such other County officers as required) to collect the delinquent water, sewer, solid waste collection, and storm water service charges on the 2018-2019 tax bills for the taxable parcels in the City of Stockton identified in the report. Such delinquent charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the City of Stockton, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties to be levied on and collected from the owners of said parcel.

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6. The City Manager or his designee is authorized and directed to execute all documents, including, but not limited to, agreements and amendments.

7. The City Manager is authorized to take such other actions as are appropriate and necessary to carry out the purpose and intent of this Resolution.

PASSED, APPROVED, and ADOPTED July 17, 2018.

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MICHAEL D. TUBBS  
Mayor of the City of Stockton

ATTEST:

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BRET HUNTER, CMC  
City Clerk of the City of Stockton