



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of July 8, 2025

TO: Mayor and Members of the City Council

VIA: Dante Hall, City Manager

SUBMITTED BY: Eibleis Melendez, City Clerk

SUBJECT: Mandatory Garbage/Solid Waste Disposal – Delinquent Accounts

RECOMMENDED ACTION:

Conduct a Public Hearing and upon conclusion, consider adopting a Resolution confirming the report of delinquent accounts and placing liens on said properties and special assessments upon property taxes pursuant to City of Hercules Municipal Code Section 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal.

BACKGROUND:

Municipal Code Sections 5-2.01 to 5-2.16, Mandatory Garbage/Solid Waste Disposal, require all property owners of occupied premises in the City to subscribe to, and pay for, garbage collection service through Richmond Sanitary Service, the City's franchised refuse collector. Collection charges that are delinquent in a six-month period are subject to the notice and hearing process defined by the Code. This process ultimately results in an assessment lien against the property for which service was rendered to cover the delinquent garbage collection charges, penalties and City costs. The lien is placed on said property and the assessment is collected either through escrow when the property is sold or by the City with its regular property tax allocation from the County. The Collector, in turn, receives payment for the delinquent fees and charges from the City.

The procedure specified by the Code for the collection of these fees and charges is as follows:

1. The Collector sends notification to the affected property owners regarding the delinquency and the City lien process.
2. The Collector submits delinquent accounts report to the City, Attachment 2.
3. Section 5-2.09 c of the Hercules Municipal Code requires the City to mail a notice of the public hearing date to the owners listed on the report not less than 10 days prior

to the hearing. This notice was mailed to delinquent property owners on June 24, 2025.

4. The City Council confirms the delinquent accounts report and orders placement of liens on said properties and special assessment upon property taxes by resolution.
5. By August 10th of each year, the City Council approves the final assessment levy and the confirmed report is submitted to the County Auditor for inclusion on the property tax rolls.

ANALYSIS:

At the July 23, 2019 City Council meeting, the Council gave direction to staff to meet with Republic Services to discuss reducing the number of these public hearings from 3 times per year to 2 times per year. City staff met with representatives of Republic Services on August 13, 2019 and determined that the months of February and July would best meet the needs of both parties to get liens placed for delinquent accounts on the tax roll.

Richmond Sanitary Service has submitted a report listing all the delinquent accounts subject to lien proceedings and has provided the required notice to property owners.

Attachment 2 is the list of unpaid charges for waste collection services provided between January 2025 – April 2025. At the time the list was received, Richmond Sanitary Services Preliminary Lien List Report lists 87 accounts totaling \$38,334.01. The attached report shows the billing and service addresses of the subject property, the date that each account became at least six month delinquent, the amount due for the delinquent garbage collection service, the amount of administrative charges due to the City and the total amount due and to be placed as a lien against the property. Richmond Sanitary Service has confirmed that all required notices and billings have been mailed to this list of property owners.

The Finance Director may make revisions or corrections to the report as deemed necessary. Vacant premises or billing errors, which can be substantiated, are examples of circumstances that the Council might want to consider in the process of reviewing the report. The report must then be confirmed by resolution of the City Council.

A certified copy of the report will be filed with the County Recorder's Office for the placement of special liens against the respective parcels. Any payments made on these delinquencies after the date on the Preliminary Lien List and/or after the City Council public hearing, but prior to this filing date, will be deleted from the list and not filed with the County Recorder's Office.

FISCAL IMPACT:

In addition to the fees owed to Richmond Sanitary Service (the Collector), the City has the authority, as outlined in the Code, to implement reasonable administrative charges. To account for the costs associated with the lien process, an administrative charge of \$30 will be applied to each delinquent account. This charge is comparable to that charged by the other cities in West County, and notice of this charge has been provided to the affected property owners. The revenue generated from this fee will be utilized to cover staff time and other related expenses associated with processing these delinquencies.

ATTACHMENTS:

1. Resolution
2. Lien List