

RESOLUTION 2021-01

RESOLUTION OF THE BOARD OF DIRECTORS OF THE UKIAH VALLEY SANITATION DISTRICT ADOPTING THE REPORT PROPOSING TO HAVE DELINQUENT SEWER CHARGES COLLECTED ON THE PROPERTY TAX ROLL FOR FISCAL YEAR 2021-22 AND DIRECTING THE BOARD CLERK TO FILE SAID REPORT WITH THE MENDOCINO COUNTY AUDITOR-CONTROLLER TO PLACE SAID CHARGES ON THE TAX ROLL

WHEREAS, pursuant to Ordinance No. 13 and Article 4 of Chapter 6 of Part 3 of Division 5 of the California Health and Safety Code, commencing with Sections 5470 et seq., the Board of Directors ("Board") of the Ukiah Valley Sanitation District ("District") is authorized to have delinquent sewer charges ("Delinquent Charges") 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, the general taxes of the District; and

WHEREAS, the District has prepared and filed a written report ("Report") attached hereto as Exhibit A containing a description of each parcel of real property within the District to which the Delinquent Charges are applicable (the "Identified Parcels") and the amount of the Delinquent Charges for each such Identified Parcel; and

WHEREAS, the Board Clerk caused a notice of the filing of said Report and setting the time and place for a public hearing on August 5, 2021 regarding said Report and to consider whether to place the Delinquent Charges on the property tax roll, as required in Health and Safety Code sections 5473 et seq.; and

WHEREAS, such notice was published in the paper once a week for two weeks, with at least 5 days in between the two publications, pursuant to Health and Safety Code sections 5473 et seq. and Government Code section 6066; and

WHEREAS, such notice was mailed to each person to whom any parcel or parcels of real property described in said Report is assessed in the last equalized assessment roll available on the date the Report was prepared pursuant to Health and Safety Code section 5473.1; and

WHEREAS, a public hearing was held on August 5, 2021 by the Board of Directors to hear and consider all objections and protests to the Report on the Delinquent Charges; and

WHEREAS, at the public hearing called for such purpose, there was not a protest of the majority of owners of separate parcels of property described in the Report; and

WHEREAS, the Board finds that it is in the best interests of the District to collect the Delinquent Charges on the property tax roll, which shall constitute a lien against the Identified Parcels in accordance with Health and Safety Code sections 5473 et seq.

NOW THEREFORE, the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California does hereby resolve as follows:

1. The above recitals are true and correct.
2. The Board hereby finds and determines that protests have not been made by the owners of a majority of the Identified Parcels in the Report.
3. The Delinquent Charges set forth in the Report, attached hereto as Exhibit A, and incurred by property owners of the Identified Parcels described in the Report are hereby confirmed and the Report is hereby adopted.
4. The Board hereby elects to collect the Delinquent Charges in Exhibit A, on the property tax roll, in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes.
5. Pursuant to the authority set forth in Health and Safety Code sections 5473 et seq., on or before August 10, 2021, the Board Clerk is hereby authorized and directed to file with the Auditor-Controller for the County of Mendocino a copy of the Report, with a statement endorsed on the Report over his or her signature that the Report has been adopted by the Board of Directors. Once such action is taken, the amount of the Delinquent Charges shall constitute a lien against the lot or parcel of land against which the Delinquent Charges have been imposed, and the tax collector shall include the amount of the Delinquent Charges on bills for taxes levied against the respective lots and parcels of land.
6. If any section, subsection, clause or phrase in this Resolution or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.
7. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board of Directors of the Ukiah Valley Sanitation District, County of Mendocino, State of California, this 5th day of August 2021 by the following vote:

AYES: Chair Wipf, Vice-Chair Bawcom, Director McNerlin, Director Horsley

NOES:

ABSENT: Director Dick

ABSTAIN:




Ernie Wipf, Board Chair

ATTEST:



Chelsea Teague
Board Secretary

APPROVED AS TO FORM:



Joanna Gin
General Counsel

Exhibit A
[see attached]