

RESOLUTION NO. 2021-01
A RESOLUTION OF THE
BOARD OF DIRECTORS OF THE HERLONG PUBLIC UTILITY DISTRICT
ESTABLISHING COLLECTION PROCEDURES
FOR
DELINQUENT SERVICE FEES AND FIRE TAXES

WHEREAS, the Herlong Public Utility District (“District”) is a public district that is organized and operates pursuant to and has the powers set forth in the Public Utility District Act, Public Utilities Code §§15501 through 18055; and

WHEREAS, pursuant to Public Utilities Code §§16469 through 16472.1, charges for commodities or services furnished by the District may be added to and become part of the assessment levied upon the land upon which the commodity or service was used and when added to the assessment become a lien on the land which has the force, effect, and priority of a judgment lien that continues for 10 years from the time of the filing of the certificate unless sooner released or otherwise discharged; and

WHEREAS, as a public district that is authorized to and does acquire, construct, maintain and operate sanitary sewers and sewage systems, the District also has the powers set forth in Health and Safety Code §§5470 through 5474.10 pertaining to sanitation and sewerage systems; and

WHEREAS, the District is authorized by Health and Safety Code §5471 to provide by, resolution or ordinance, for the collection and enforcement of rates and other charges for services and facilities the District provides in connection with its water, sanitation, storm drainage, or sewerage system.; and

WHEREAS, the District is authorized by Health and Safety Code §5473 to elect to have charges for water, sanitation, storm drainage, and sewerage service 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 general taxes and is authorized by §5473a to elect only to have delinquent charges collected on the tax roll; and

WHEREAS, the District imposes user fees and charges for water and sewer services (“Fees”); and

WHEREAS, the District, pursuant to an informal agreement with Lassen County, collects parcel taxes on certain parcels within the District that support the provision of fire suppression, protection and emergency medical services (“Taxes”); and

WHEREAS, said Fees and Taxes are due and payable within sixty (60) days from the date of billing; unpaid Fees and Taxes 61 days or more past the date of billing are delinquent.

WHEREAS the District incurs additional expense with respect to the billing and collection of delinquent Fees and Taxes; and

WHEREAS it is in the best interest of the District that it employs procedures that govern the collection of Fees and Taxes which have become delinquent; and

WHEREAS, the Board of Directors of the Herlong Public Utility District (“Board”) has determined that the following procedure is to be employed by District personnel in the collection of delinquent Fees and Taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE HERLONG PUBLIC UTILITY DISTRICT, as follows:

Section 1. The Recitals above are true and correct and are incorporated herein.

Section 2. This Resolution is adopted pursuant to Public Utilities Code §§15501 through 18055 and Health and Safety Code §§5470 through 5474.10.

Section 3. Fees and Taxes due to the District shall become delinquent in not paid within 60 days from the date of billing.

Section 4. Delinquent Taxes shall be sent for collection by the Lassen County Treasurer-Tax Collector at the same time, in the same manner, and subject to the same penalties as ad valorem property taxes collected by the County Treasurer-Tax Collector.

Section 5. Fees not paid on or before the expiration of the 60th day from the date of billing shall be subject to interest and penalties (“Late Fees”).

Section 6. On or after the 80th day after billing, the District shall send a demand letter for Fees and Late Fees.

Section 7. On or after the 90th day after billing, the District may take any one or more of the following actions:

- (a) Commence a discontinuation of service pursuant to the District’s Discontinuation of Water Service Policy.
- (b) Record a lien against the property in accordance with Health and Safety Code §5473.11, as set forth in Section 8, below.
- (c) Have the unpaid charges added to and become part of the annual assessment levied upon the land upon which the services were used, record a lien against all real property owned by the person liable for the charges, or record a lien for delinquent water charges in accordance with PUC §§16469 through 16472.1.
- (d) Have the unpaid charges collected on the tax roll in the same manner as its general taxes in accordance with Health and Safety Code §§5473 and following.
- (e) Initiate collection efforts by the filing of a Court action against the delinquent user in the Lassen County Superior Court.
- (f) Pursue collection by any other remedies available to the District by applicable law.

Section 8. The District may record a lien for the amount of the delinquent Fees and Late Fees on the real property of the delinquent user, in accordance with Health and Safety Code §5473.11. The costs, if any, of recordation of any lien in the accordance with this Paragraph shall be added to the delinquent fee of the user. Health and Safety Code §5473.11 provides:

(a) An entity shall notify the assessee shown on the latest equalized assessment roll whenever delinquent and unpaid charges for services which would become a lien on the property pursuant to subdivision (b) remain delinquent and unpaid for 60 days.

(b) The amount of the unpaid charges may, in the discretion of the entity, be secured at any time by filing for record in the office of the county recorder of any county, a certificate specifying the amount of the unpaid charges and the name and address of the person liable for those unpaid charges. From the time of recordation of the certificate, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards, and before the lien expires, acquired by him or her. The lien shall have the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within 10 years from the filing of the certificate or within 10 years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of this filing the lien shall be extended to the real property in this county for 10 years unless sooner released or otherwise discharged.

Section 9. Nothing in this Resolution shall be meant to preclude the District from employing any or all the collection procedures as set forth herein or as otherwise provided by law.

Section 10. The District Manager may, at any time, refer any collection procedure or issue to District Counsel for appropriate action.

Section 11. The Board authorizes the General Manager to incorporate, so far as practical, this Resolution and the process for the collection of delinquent Fees and Taxes into the Operations Code of the District.

Section 12. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the Board of Directors, Herlong Public Utility District, County of Lassen, State of California, on this 9 day of March 2021 by the following vote:


AYES: Lee Harris, Johnny Everett, Jim Swistowicz, Lain Ayers, Eula Johnson

NOES: none

ABSTAIN: none

ABSENT: none


Johnny Everett, President

ATTEST: 
Trisha Wood, Clerk of the Board