



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Dena Heald, Chief Financial Officer/City Treasurer

**AGENDA DATE:** May 20, 2025

**TITLE:** PUBLIC HEARING FOR DELINQUENT SOLID WASTE ACCOUNTS AND ABATEMENTS OF PUBLIC NUISANCES (RESO. NO. 2025-\_\_\_ AND 2025-\_\_\_) (REPORT OF: FINANCIAL AND MANAGEMENT SERVICES) (ALL DISTRICTS)

**TITLE SUMMARY:** Public Hearing for Delinquent Solid Waste and Abatements of Public Nuisances Accounts

**DISTRICT:** All Districts

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### Recommendation(s)

That the City Council:

1. Conduct the Public Hearing and accept public testimony regarding unpaid solid waste accounts and nuisance abatements to be applied to the Fiscal Year (FY) 2025/26 County of Riverside property tax roll for collection.
2. Adopt Resolution No. 2025-\_\_\_, a Resolution of the City Council of the City of Moreno Valley, California, confirming Statements of Costs against real properties located in the City of Moreno Valley for the abatements of public nuisances and directing that said Statements of Costs constitute a lien upon said properties.
3. Adopt Resolution No. 2025-\_\_\_, a Resolution of the City Council of the City of Moreno Valley, California, repealing, revising, and reenacting the provisions of Resolution 2017-41 and authorizing the collection of delinquent solid waste charges on the annual property tax roll.

4. Approve placing the submitted Property Assessment List of delinquent nuisance abatement accounts on the Fiscal Year (FY) 2025/26 Riverside County property tax roll for collection.
5. Direct the City Clerk to file with the Riverside County Tax Assessor's office a certified copy of Resolution No. 2025-\_\_ and the Property Assessment List as required by Section 6.04.120 of the City of Moreno Valley Municipal Code.
6. Direct the City Clerk to file the Revised and Final Solid Waste Delinquency Report with the County of Riverside Auditor-Controller.
7. Authorize the Chief Financial Officer to adjust the proposed special assessments in the event there are any parcel changes, clerical errors, or other adjustments as may be necessary between the date the special taxes were calculated and the date the fixed charges are submitted to the County of Riverside, provided the applied special assessments do not exceed the maximum special assessments.

## **SUMMARY**

This report recommends the City Council conduct a Public Hearing and consider adoption of the resolutions (Attachments 1 and 2), confirming assessments on certain real properties, and approve placing the submitted Property Assessment List (PAL) and identified solid waste delinquent accounts on the FY 2025/26 Riverside County property tax roll for collection.

For Calendar Year 2024, the Community Enhancement and Neighborhood Services Division, along with the Fire Prevention Division of the City of Moreno Valley, conducted public nuisance abatements, under Moreno Valley Municipal Code Section 6.04, to address hazardous and other nuisance conditions across properties citywide. Property owners were served with a "Notice to Abate" and provided a reasonable timeframe to comply. While many adhered to the requirements, some failed, refused, or neglected to voluntarily remediate the identified issues.

Additionally, the City is addressing delinquent solid waste accounts. In accordance with the Moreno Valley Municipal Code 6.02.030, all properties within the City are required to receive at least weekly solid waste services through the franchisee waste hauler, unless otherwise approved for self-hauling. The franchisee issues quarterly invoices to all customers, and accounts are deemed delinquent if payment is not received within sixty (60) days.

The City and franchisee waste hauler will accept payments on delinquent nuisance abatement accounts and solid waste accounts until June 26, 2025. Payments made by this date will allow an adjustment to the final property tax assessment amount received by the County of Riverside Auditor-Controller.

## **DISCUSSION**

## **Abatement of Public Nuisances**

Pursuant to Moreno Valley Municipal Code Chapters 1.01.250, 6.04.100 and 6.04.120, the City is authorized to initiate contractor-performed abatements in accordance with the general provisions set forth in Chapter 6.04.030. These chapters further provide for the recovery of costs incurred in the performance of such abatements.

In alignment with these provisions, each spring—and additionally in the fall, as deemed necessary by the Fire Marshal—the City’s Fire Prevention Division issues Notices to Abate to owners of vacant parcels identified in the most recent equalized assessment roll. These notices require property owners to remove weeds, dry vegetation, rubble, junk, trash, debris, discarded vehicle parts, and other waste materials that constitute a public nuisance, as defined by Moreno Valley Municipal Code Section 6.04.040. Property owners are required to complete abatement by the initial inspection date specified in the notice. In cases where property owners fail to comply with these requirements, the City may initiate enforcement action.

Accordingly, during Calendar Year 2024, the Community Enhancement and Neighborhood Services division conducted nuisance abatement activities at various properties throughout the City. These actions were carried out in response to continued non-compliance following the issuance of multiple notices and the expiration of designated compliance periods.

If a property owner fails to abate the violation(s) within the prescribed timeframe, the City may proceed with contractor-performed abatements, as authorized under Moreno Valley Municipal Code Chapter 6.04. In certain instances, emergency abatement actions may be needed, pursuant to Moreno Valley Municipal Code Chapter 6.04.110. These situations may include pumping and securing swimming pools containing stagnant water, unsecured structures, extreme fire hazards, and other nuisance conditions that posed an immediate threat to life or property. Under this provision, the City is authorized to act without adhering to standard notice procedures to promptly mitigate imminent public safety hazards.

Following all abatement actions, a Statement of Cost is mailed to the legal owner of record for each property. Property owners are invoiced for the full cost of City-performed abatement work. Copies of the Statements of Costs will be maintained on file with both the Fire Prevention Division and the Community Enhancement and Neighborhood Services Division.

Property owners have two options to resolve nuisance abatement costs:

1. **Before June 26, 2025** – Property owners may pay outstanding balances directly to the City of Moreno Valley to prevent charges from being placed on the property tax roll.
2. **After Assessment** – If balances remain unpaid, they will be included in the Fiscal Year 2025/26 property tax bill and can be paid through the County of

Riverside.

The anticipated total property tax assessment for the 143 abated properties is \$203,467.48.

A Parcel Assessment List detailing each abatement action—including the property owner's name, parcel description, and associated costs—is provided in Attachment 1.

### **Solid Waste Delinquency**

Pursuant to California Health and Safety Code Section 5473 and 5473a and the Moreno Valley Municipal Code Chapter 6.02.030, the City is authorized to collect delinquent solid waste account charges by placing them on the annual property tax roll. This method allows for the efficient and enforceable recovery of unpaid solid waste service fees.

Furthermore, City Council Resolution 2017-41 has authorized the collection of delinquent solid waste charges on the annual property tax roll. The City requests the franchisee waste hauler to prepare an annual written Solid Waste Delinquency Report to be filed with the City Clerk. The Solid Waste Delinquency Report details all unpaid charges, listing each parcel with outstanding fees. The California Health and Safety Code also allows for the inclusion of a ten percent (10%) basic penalty on delinquent accounts, as well as an additional one and one-half percent (1.5%) per month for continued nonpayment.

To keep property owners informed, the franchisee waste hauler sends a quarterly "Notice to Property Owner of Delinquent Solid Waste Charges." This notice serves as a final reminder to pay delinquent fees before they are placed on the property tax roll.

Property owners have two options to resolve delinquent solid waste charges:

1. **Before June 26, 2025** – Property owners may pay outstanding fees directly to the franchisee waste hauler to prevent charges from being placed on the property tax roll.
2. **After Assessment** - If charges remain unpaid, they will be included in the FY 2025/26 property tax bill and can be paid through the County of Riverside.

The anticipated total property tax assessment for the 6,477 delinquent solid waste accounts is \$3,429,098.98.

After the final determination of delinquent solid waste charges, and prior to the County of Riverside's submission deadline, the City Clerk shall file with the Riverside County Auditor-Controller a copy of the Solid Waste Delinquency Report prepared by the franchisee waste hauler. This report shall be endorsed by the City Clerk and accompanied by a signed statement certifying that the report has been formally adopted by the City Council.

### **ALTERNATIVES**

1. Conduct the Public Hearing and approve the recommended actions as presented. *Staff recommends this alternative as it will facilitate cost recovery for those costs incurred by the City for the abatement of public nuisance and hazard reduction work performed as outlined in the attached Property Assessment List and satisfy the conditions of the City's franchise agreement with Franchisee waste hauler.*
2. Do not approve and authorize the recommended actions as presented in this staff report. *Staff does not recommend this alternative as it will prevent cost recovery for contract abatement work paid by the City and result in non-compliance with the City's franchise agreement with franchisee waste hauler.*
3. Open the Public Hearing but continue consideration of the remaining recommendations to a future regular CSD Board meeting. *Staff does not recommend this alternative as it may prevent the City from meeting the County's deadline to include the parcel charges on the 2025/26 property tax roll.*

## **FISCAL IMPACT**

### **Abatement of Public Nuisances**

Adoption of the Resolution Confirming Statement of Costs would facilitate cost recovery for those costs incurred by the City for public nuisance and hazard reduction work performed as outlined in the Property Assessment List that is attached to the proposed Resolution as Exhibit A.

The Property Assessment List, as approved by City Council, is subject to amendment as necessary to reflect any payments subsequently received from property owners. Costs not paid in full by June 26, 2025, will be processed as special assessments and cost recovery will occur through the payment of property taxes.

### **Solid Waste Delinquency**

Solid waste services are exempt from voting requirements under Proposition 218, Section 6(c) because the obligation to pay for solid waste service in Moreno Valley is not incident to property ownership. Property owners may choose other legal means of disposal in our City. Furthermore, unpaid solid waste fees are not an encumbrance on a property, although delinquent fees can become the subject of a judgment lien.

## **NOTIFICATION**

### **Abatement of Public Nuisances**

Moreno Valley Municipal Code Section 6.04.080 – Notification of Nuisance provides that written notice of nuisance conditions may be given to property owners in the following manner:

By regular mail addressed to the owner on record or person in charge and control of the property; date of inspection; at the address shown on the last available equalized assessment roll of the County of Riverside; or as otherwise known, by posting a "Notice to Abate" on the property where the nuisance condition(s) exists thereby allowing reasonable time limit to comply based on the nature of the nuisance; code sections violated; name of the enforcement officer and the notice of the right to appeal.

Notification of hazardous and other nuisance conditions was specifically met by:

1. Posting the property with a "Notice to Abate."
2. Mailing a "Notice to Abate" to the property owner by regular mail.
3. Telephone contact with the property owner and for vacant properties, the mortgage holder, when possible (i.e., phone number on file).
4. Mailing a Statement of Cost to each property owner in April 2025, indicating the amount owed for the nuisance abatement services performed by the City as well as the date of the City Council meeting.

An official list of the submitted delinquent accounts was submitted to the Special Districts Division of the Financial and Management Services Department which outlines the maximum charges allowed to be placed on the property tax roll for FY 2025/26.

#### Solid Waste Delinquency

The franchisee waste hauler issues a quarterly "Notice to Property Owner of Delinquent Solid Waste Charges" to affected property owners whenever solid waste charges become delinquent. This notice informs property owners of the intent to place the unpaid charges on the property tax roll.

#### Abatement of Public Nuisances and Solid Waste Delinquency

California Government Code Section 6066 requires public notification of Public Hearing notices. A newspaper advertisement, for the May 20, 2025, Public Hearing, was published in The Press-Enterprise on May 8, 2025.

### **PREPARATION OF STAFF REPORT**

Prepared By:  
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Department Head Approval:  
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Concurred By:  
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## **CITY COUNCIL GOALS**

Community Image, Neighborhood Pride and Cleanliness: Promote a sense of community pride and foster an excellent image about our City by developing and executing programs which will result in quality development, enhanced neighborhood preservation efforts, including home rehabilitation and neighborhood restoration.

Revenue Diversification and Preservation: Develop a variety of City revenue sources and policies to create a stable revenue base and fiscal policies to support essential City services, regardless of economic climate.

## **CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development**
- 2. Public Safety**
- 3. Library**
- 4. Infrastructure**
- 5. Beautification, Community Engagement, and Quality of Life**
- 6. Youth Programs**

Objective 4.2: Develop and maintain a comprehensive Infrastructure Plan to invest in and deliver City infrastructure.

Objective 5.2: Promote the installation and maintenance of cost effective, low maintenance landscape, hardscape and other improvements which create a clean, inviting community.

## Report Approval Details

Document Title:	STAFFREPORT_FMS_SD_FOR SOLID WASTE AND NUISANCE ABATEMENT_05.20.25.docx
Attachments:	- Resolution Confirming Statement of Costs.doc - Resolution Authorizing Collection of Delinquent Solid Waste.doc - Solid Waste Delinquencies Tax Roll.pdf
Final Approval Date:	May 12, 2025

This report and all of its attachments were approved and signed as outlined below:

### **No Signature found**

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