



Agenda Date: 02/09/2016  
Agenda Item: 3.5

## STAFF REPORT

Approved and Forwarded to the City Council:

Bryan Montgomery, City Manager

Date: January 19, 2016  
To: Bryan H. Montgomery, City Manager  
From: Troy Edgell, Code Enforcement Manager  
Subject: Resolution Confirming the Costs for Abatements of Emergency Abatement (543 Norcross Lane)

### Background and Analysis

The City's Municipal Code includes provisions to protect the health and safety of the community. The Code Enforcement Division is charged with enforcing those provisions that deal primarily with the failure of a property owner to care for and maintain their property, so much so, that it becomes a threat to the public's health and safety.

On January 7, 2016 a Joint Law Enforcement Unit consisting of the Department of Justice, Contra Costa County Sheriff's Office, Walnut Creek PD, Pittsburg PD, and the CHP contacted Code Enforcement to respond to an unsafe dwelling located at 543 Norcross Lane. Upon investigation it was determined there were minors living outdoors in make-shift tents, unsafe electrical wiring, unsanitary conditions, and no heat or water. The interior and exterior of the property was filled with trash, debris, human fecal material, and harboring vector controls. It was Red-Tagged to prevent human habitation for unsafe conditions and an Emergency Abatement was directed by the City Manager to remove the direct threat to the public's health caused by the condition of the exterior of the property.

Coordination with Legal determined this response was warranted and justified. Legal directed that personal property and equipment collected during the emergency abatement is to be stored for 30 days and after this date may be disposed. The personal property and equipment is currently being stored off-site and available for collection by any interested party until February 14, 2016.

It has come to our attention through voluntary communication with the owner, Leticia Munoz, that she has accepted an offer for the house and expects to close within 30 days. The purpose of this resolution is to ensure the City's expenses for performing the emergency abatement are recovered.

Direct assessment collections of nuisance and emergency abatements can only be ordered by the City Council. To ensure this action takes place, we are seeking confirmation of the emergency abatement and associated costs as required by OMC 1.6.126.

**Subject:** Resolution Confirming the Costs for the Emergency Abatement of a Public Nuisance and Directing a Special Assessment and Lien Upon such Parcel

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Per OMC 1.6.126, the City Manager shall keep an accurate account of the abatement costs incurred by the City, including attorneys' fees. Such account shall indicate, where appropriate, the costs attributable to each separate parcel of land upon which the abatement work is performed. As part of this process, we are required to provide a copy of this report to the Parcel Owner at least 10 days prior to the date of such meeting. The proposed date for this meeting (Confirmation of Emergency Abatement) is February 9, 2016.

**Fiscal Impact**

Adoption of the Resolution will authorize Staff to place a lien on the property and collect the amount due, if necessary, via direct assessment on the 2016-2017 tax roll. The property owner has been provided an invoice for the full amount due and payable by February 15, 2016.

**Recommendation**

Staff recommends the Council adopt the attached Resolution confirming the costs for abatement of the public nuisance and directing a special assessment and lien upon such parcel if the amount due is not paid in full by 15 February 2016.

**Attachments**

Resolution  
Cost Report

RESOLUTION NO. \_\_-16

**A RESOLUTION OF THE OAKLEY CITY COUNCIL CONFIRMING THE COST FOR THE EMERGENCY ABATEMENT OF A PUBLIC NUISANCE AND DIRECTING A SPECIAL ASSESSMENT AND LIEN UPON SUCH PARCEL**

**WHEREAS**, the Oakley Municipal Code establishes standards in Law to protect the health and safety of the Community; and

**WHEREAS**, the City's Code Enforcement Division is tasked with addressing violations of these codes, so as to ensure the health and safety of the Community; and

**WHEREAS**, the property described in Exhibit A attached had violations which required emergency abatement by the City through the Code Enforcement Division; and

**WHEREAS**, the costs incurred by the City to abate the violations is shown in the Exhibit, and such costs remain unreimbursed to date; and

**WHEREAS**, the City seeks to confirm these costs, and if they remain unpaid after February 15, 2016, seeks authorization to lien the property and collect the amounts via direct assessment on the Fiscal Year 2015-2016 property tax roll.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Oakley hereby confirms the cost for such property, and for those remaining unreimbursed after February 15, 2016, authorizes Staff to lien the property and submit them as direct assessments for collection on the 2016-2017 property tax roll.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 9th of February, 2016 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:

APPROVED:

\_\_\_\_\_  
Kevin Romick, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date

## ABATEMENT COST REPORT

543 NORCROSS LANE OAKLEY, CA 94561

APN: 035-312-001

CONTRACTOR SERVICES*	PUBLIC WORKS DEPT **	CODE ENFORCEMENT***	ADMIN/LEGAL FEES****	TOTAL COST
\$4,640.00	\$4,300.00	(\$89.00/HOUR X 4.5 Hours) = \$400.50	(\$122.00/Hour X 1.5 Hours)= \$183.00	\$9,523.50

\*Invoice attached

\*\*Public Works costs include Front Loader Equipment Rental, Staff Time, Labor to remove Debris Pile from City Utility Lot following 30-day recovery period, Debris Boxes, and Dump Fees at Landfill

\*\*\*Code Enforcement costs include 4.5 hours of administrative time at the hourly rate of \$89 (as identified in the 2014/2015 Overhead and Inter-fund Charges Schedule), including site visits to neighboring parties of the property, receipts and responses to complaints, research regarding property usage and zoning, permit research, tax assessor history and research, travel to and from property to re-inspect for compliance, taking and printing photographs, meeting with tenants, and inter-office coordination.

\*\*\*\*Admin/Legal costs include 1.5 hours of administrative time at the hourly rate of \$122.00 (as identified in the 2014/2015 Overhead and Inter-fund Charges Schedule) including determination of legal and public notification requirements.