



Agenda Date: 01/26/2016

Agenda Item: 3.7

STAFF REPORT

Approved and forwarded to the City Council:

Date: January 8, 2016

To: Bryan H. Montgomery, City Manager

From: Deborah Sultan, Finance Director
Troy Edgell, Code Enforcement Manager

Subject: Resolution Confirming the Cost for Abatement of a Public Nuisance
and Directing a Special Assessment and Lien Upon Said Parcel

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.

This resolution seeks City Council approval for an abatement performed at 4303 Redwood Drive after the property owner refused to correct nuisances directly impacting the health, safety, and property value of a neighborhood. Specifically, the City removed a dangerous vehicle up on jacks and trash and debris accumulated on the property.

The City was required to take such action because all attempts to gain compliance were exhausted. Due process was followed through the issuance of Correction Notices and Administrative Citations over a period in excess of 8 months. The City was forced to obtain an abatement warrant when it became apparent the property owner would not take any action to remove the nuisances nor respond to any attempts to communicate with the City.

The property owner is required to reimburse the City for the costs associated with this abatement. If reimbursement is not made voluntarily, the City will seek to collect by enrolling a direct assessment onto the County tax roll to recover all staff costs and fines associated with performing the abatement, noticing the property owner, and processing the assessment.

The property owner will have the ability to appeal the assessment on February 8th at 9:00 A.M. before the Administrative Hearing Officer.

Direct assessment collections of nuisance and emergency abatements can only be ordered by the City Council. The item before you today is to adopt the attached Resolution acknowledging the property owner subject to the abatement and to authorize Staff, if the City does not receive reimbursement of its costs by March 1, 2016 to:

Subject: Resolution Confirming the Cost for Abatement of a Public Nuisance and Directing a Special Assessment and Lien Upon Said Parcel

Date: 8 January 2016

Page 2 of 2

- 1) Lien the property due; and
- 2) Submit the property to the County Auditor-Controller so that it will be included as a direct assessment on the Fiscal Year 2016-2017 property tax bills.

Fiscal Impact

Adoption of the Resolution will authorize Staff to lien the property and collect the amount due if not paid by March 1, 2016 via direct assessment on the 2016-2017 tax roll.

Recommendation

Staff recommends the Council adopt the attached Resolution confirming the cost for abatement of the public nuisance and directing a special assessment and lien upon the parcel.

Attachments

Resolution
Cost Report

RESOLUTION NO. __-16

A RESOLUTION OF THE OAKLEY CITY COUNCIL CONFIRMING THE COST FOR ABATEMENT OF A PUBLIC NUISANCE AND DIRECTING A SPECIAL ASSESSMENT AND LIEN UPON SAID 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 listed in Exhibit A attached had violations which required abatement by the City through the Code Enforcement Division; and

WHEREAS, the cost incurred by the City to abate the violations is shown in the Exhibit, and such cost remains unreimbursed to date; and

WHEREAS, the City seeks to confirm this cost, and if it remains unpaid after March 1, 2016, seeks authorization to lien the property and collect the amount due via direct assessment on the Fiscal Year 2016-2017 property tax roll.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oakley hereby confirms the cost for said property, and if remaining unreimbursed after March 1, 2016, authorizes Staff to lien the property and submit it as a direct assessment for collection on the 2015-2016 property tax roll.

PASSED AND ADOPTED by the City Council of the City of Oakley at a meeting held on the 26th day of January, 2016 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

ABATEMENT COST REPORT

4303 REDWOOD DRIVE OAKLEY, CA 94561

APN	UNPAID CITATIONS*	CONTRACTOR COST**	ADMINISTRATIVE COST***	TOTAL COST***
035-555-015	\$1,200.00	\$755.00	\$89.00/Hour x 6.5Hours = \$578.50	\$2,533.50

*Administrative Citations: (Citation #1609/11-13-2014/\$300.00) (Citation #1615/01-27-2015/\$400.00)
(Citation #1424/2-12-2015/\$500.00)

**Contractor Costs: Clean-up and removal of trash and debris. A&J Hauling Invoice dated 8-18-2015.
See Invoice.

***Administrative cost includes 6.5 hours of administrative time at the hourly rate of \$89 (as identified in the 2015/16 Overhead and Interfund Charges Schedule), including: multiple re-inspections of the property, receipts and response to complaints regarding the property, site visits to property tenants seeking voluntary compliance to cure violations, communication and coordination with Contractors for obtaining bids, monitoring abatement work, travel to and from property for visual inspection of occupancy and posting of Public Notice, preparation of Assessment List, research, development, and preparation of Notice of Lien, writing and editing code enforcement report, legal and City Clerk admin and review.