



## STAFF REPORT

Approved and Forwarded to the City Council:

  
Bryan Montgomery, City Manager

Date: December 13, 2016

To: Bryan H. Montgomery, City Manager

From: Troy Edgell, Code Enforcement Manager

Subject: **Resolution Confirming the Costs for Abatement of Weeds and Refuse at APN 032-070-005 (Vacant Lot on East Cypress Road) and APN 035-117-004 (Vacant Lot on 513 Landis Ave)**

### Background and Analysis

Oakley Municipal Code (OMC) 4.26.004 states that no owner having charge or control of any property within the jurisdiction of Oakley shall permit weeds and/or refuse to remain or accumulate and that all such weeds and refuse are hereby declared a public nuisance. When it is determined a property is maintained in violation of this code, the owner is provided notice to remove the violation within ten (10) calendar days. If they fail to abate the nuisance or do not appeal this notice within seven (7) days, the City shall perform the work and charge the owner the costs, including administrative and legal expenses.

It is Code Enforcement Division's policy to work pro-actively with every property owner, yet despite being provided over ninety (90) days the properties listed in the attached Cost Report failed to abate the violation(s) or appeal the notice and the City performed the abatement work. As required by OMC 4.26 an account of the costs incurred by the City are recorded and provided in the attached Cost Report. Furthermore, a Right to Appeal Letter was sent to the property owners via Certified and Regular USPS containing the Cost Report. This letter informed them they have ten (10) calendar days to contact the City Clerk's office and file a written appeal of the costs. The deadline for this appeal expired 16 November 2016 and no appeal requests were filed.

The purpose of the attached Resolution is to ensure the City's expenses for performing the abatement are recovered through the placement of a special assessment on the property tax rolls. Both OMC 4.26.016 and the Contra Costa County Tax Assessor require all special assessments be confirmed by the City Council. To ensure this action takes place, we are

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

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seeking via Resolution the confirmation of the abatement and associated costs for each property.

**Fiscal Impact**

Adoption of the Resolution will authorize Staff to invoice the property owner and provide 30 days for collection of amount due. If invoice is not paid, the Resolution allows the City to place a lien on the property and collect the amount due, if necessary, via direct assessment on the 2017-2018 tax roll.

**Recommendation**

Staff recommends the Council adopt the attached Resolution confirming the costs for abatement of the public nuisances and directing a special assessment and lien upon such parcel if the amount due is not paid in full by January 20, 2017.

**Attachments**

1. Resolution
2. Exhibit A: 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 PARCELS**

**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 properties 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 January 20, 2017, seeks authorization to lien the properties and collect the amount due via direct assessment on the Fiscal Year 2017-2018 property tax roll.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Oakley hereby confirms the cost for said properties, and if remaining unreimbursed after January 20, 2017 authorizes Staff to lien the property and submit it as a direct assessment for collection on the 2017-2018 property tax roll.

**PASSED AND ADOPTED** by the City Council of the City of Oakley at a meeting held on the 13<sup>th</sup> day of December, 2016 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:

APPROVED:

\_\_\_\_\_  
,Mayor

ATTEST:

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

\_\_\_\_\_  
Date

EXHIBIT A

COST REPORT

ABATEMENT OF WEEDS AND REFUSE

APN AND ADDRESS OR DESCRIPTION	ABATEMENT COST*	CODE ENFORCEMENT**	CITY CLERK***	PUBLICATION NUISANCE ABATEMENT LIEN	TOTAL COST
035-117-004 513 LANDIS AVE	\$1,420.00	7.6 HRS X \$66.06 = \$502.06	.1 HRS X \$120.39 = \$12.04	\$106.33	\$2,040.43
032-070-005 VACANT LOT E CYPRESS	\$1,080.00	3.2 HRS X \$66.06 = \$211.39	.1 HRS X \$120.39 = \$12.04	\$106.33	\$1,409.76

\*Invoice available

\*\*Code Enforcement costs include administrative time at the hourly rate of \$66.06 (as identified in the 2016/2017 Overhead and Inter-fund Charges Schedule), including but not limited to multiple re-inspections, research regarding property usage and zoning, permit research, tax assessor history and research, meeting with tenants or owners, preparation of Appeal instructions, obtaining abatement estimates, preparing Cost Report, City Council Resolution, Staff Report for City Council, coordinating payment for abatement, and inter-office coordination.

\*\*\*City Clerk costs include average cost to prepare, transmit, pay for, and publish a Public Notice of Abatement Lien.