



Agenda Date: 07/14/2015
Agenda Item: 3.13

STAFF REPORT

Approved and Forwarded to the City Council:

Bryan Montgomery, City Manager

Date: July 14, 2015

To: Bryan H. Montgomery, City Manager

From: Paul Abelson, Finance Director
Troy Edgell, Code Enforcement Manager

Subject: Annual Resolution Confirming the Costs for Abatements of Public Nuisances and Mandatory Subscriptions for Garbage Service; and Directing Special Assessments and Liens Upon Each 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.

There are two primary City-directed abatements: The first and most common is the enrollment of a property owner into the mandatory subscription of garbage service. Property owners identified as not subscribing to mandatory waste removal service are provided twenty (20) days to self-correct. After that the City automatically pays for and subscribes the property to a 6-month service contract. The property owner is then required to reimburse the City for its costs. If reimbursement is not made voluntarily, the City will seek to collect by enrolling a direct assessment onto the County tax roll to recover the enrollment cost and an administrative charge to recover the Staff cost associated with noticing the property owner and processing the enrollment with Oakley Disposal.

Property owners will have the ability to appeal the assessments on July 29th before the Administrative Hearing Officer. Staff is proposing a dual process for these assessments, to obtain authorization from both the City Council and the City's Administrative Hearing Officer, in order to ensure no delays in the lien and direct assessment process.

The second condition requiring abatement is when a property owner refuses to correct a nuisance directly impacting the health, safety, or property value of a neighborhood. Though rare, these cases require the City to abate take such action because all attempts to gain compliance have either been exhausted or the situation is an immediate threat to the public's health and safety and must be remedied immediately. In cases other than Emergency Abatements, the City will have proceeded from a counseling and education approach issuing correction notices, then through administrative citation enforcement actions (for which there is a well-defined appeals process), and lastly to abatement. If it has proceeded this far, and abatements have been performed by the City, the costs of the

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abatement, the citations (if they remain unpaid), and staff costs to administer the code enforcement process are charged to the property owner. Direct assessment collections of nuisance and emergency abatements can only be ordered by the City Council.

Note on the attached spreadsheet, the largest lien amount is for an emergency abatement performed at 150 Acme Street. This action was necessary to preserve the health and safety of the public.

It's important to note that for general nuisance abatement issues, most property owners come into compliance voluntarily; those requiring City action are few. The item before you today is to adopt the attached Resolution acknowledging those property owners subject to the above types of abatements/subscriptions, whose property(s) is listed on the attached Exhibit; and to authorize Staff, if the City has not received reimbursement of the its costs after July 31, 2015, to:

- 1) Lien the properties listed for the amounts due; and
- 2) Submit them to the County Auditor-Controller so that they will be included as direct assessments on the Fiscal Year 2015-16 property tax bills.

Fiscal Impact

Adoption of the Resolution will authorize Staff, for any of the properties with amounts remaining unpaid after July 31, 2015, to lien the properties and collect the amounts due via direct assessment on the 2015-2016 tax roll.

Recommendation

Staff recommends the Council adopt the attached Resolution confirming the costs for abatements of public nuisances and mandatory subscriptions for garbage service; and directing special assessments and liens upon each parcel.

Attachments

Resolution

Listing of properties and costs

RESOLUTION NO. __-15

A RESOLUTION OF THE OAKLEY CITY COUNCIL CONFIRMING THE COSTS FOR ABATEMENTS OF PUBLIC NUISANCES AND MANDATORY SUBSCRIPTIONS FOR GARBAGE SERVICE; AND DIRECTING SPECIAL ASSESSMENTS AND LIENS UPON EACH 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 list of properties in Exhibit A attached have violations which required 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 July 31, 2015, 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 each property, and for those remaining unreimbursed after July 31, 2015, authorizes Staff to lien the property and submit them as direct assessments 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 14th of July, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Doug Hardcastle, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

Parcels and Amounts for Direct Assessment Collections
 For Inclusion on the 2015-2016 Tax Roll
 For City Council Approval July 14, 2015

Property Address	Assessors Parcel Number	Amount for cc
51 Freemark Court Oakley, CA 94561	037-321-013	\$ 419.09
61 APPLGATE LN OAKLEY, CA 94561	033-053-054	\$ 424.65
78 VELLA CIRCLE OAKLEY, CA 94561	037-510-018	\$ 397.63
120 HILL AVE OAKLEY, CA 94561	033-053-024	\$ 412.15
120 NORCROSS LANE OAKLEY, CA 94561	035-111-002	\$ 418.97
124 COPPER KNOLL WAY OAKLEY, CA 94561	034-460-013	\$ 391.33
161 CAROL LANE OAKLEY, CA 94561	037-132-006	\$ 397.63
220 THIRD STREET OAKLEY, CA 94561	035-161-008	\$ 401.89
300 MALICOAT AVE OAKLEY, CA 94561	033-340-003	\$ 397.63
327 FILBERT COURT OAKLEY, CA 94561	035-480-028	\$ 404.74
408 EAST HOME ST OAKLEY, CA 94561	035-152-009	\$ 397.63
508 NORCROSS LANE OAKLEY, CA 94561	035-117-010	\$ 391.33
534 MALICOAT AVE OAKLEY, CA 94561	033-370-028	\$ 412.15
540 MOCKINGBIRD LANE OAKLEY, CA 94561	033-290-005	\$ 397.63
550 MOCKINGBIRD LANE OAKLEY, CA 94561	033-290-006	\$ 397.63
650 BROWNSTONE ROAD OAKLEY, CA 94561	034-150-003	\$ 397.63
830 SOUVERAIN CT OAKLEY, CA 94561	037-302-004	\$ 410.43
1051 WARHOL WAY OAKLEY, CA 94561	037-500-028	\$ 397.63
1085 QUAIL VALLEY RUN OAKLEY, CA 94561	033-271-060	\$ 404.74
1115 QUAIL VALLEY RUN OAKLEY, CA 94561	033-280-067	\$ 391.33
1384 YOSEMITE CIRCLE OAKLEY, CA 94561	033-410-008	\$ 391.33
1542 LARKSPUR CT OAKLEY, CA 94561	035-701-030	\$ 418.45
1608 WILDCAT WAY OAKLEY, CA 94561	035-453-028	\$ 404.74
1703 CHANDON WAY OAKLEY, CA 94561	037-261-006	\$ 397.63
1800 BERINGER WAY OAKLEY, CA 94561	037-243-008	\$ 397.63
1820 BERINGER WAY OAKLEY, CA 94561	037-243-006	\$ 397.63
1828 WALNUT GROVE CT OAKLEY, CA 94561	035-631-011	\$ 397.63
1906 WEST SUMMERFIELD COURT, CA 94561	037-400-037	\$ 397.63
1910 SANTA FE ST OAKLEY, CA 94561	037-121-008	\$ 397.63
1920 SANTA FE STREET OAKLEY, CA 94561	037-121-007	\$ 397.63
2154 HARBORAGE WAY OAKLEY, CA 94561	032-510-010	\$ 419.09
2248 EASTPORT DRIVE OAKLEY, CA 94561	032-500-029	\$ 412.16
3975 HARVEST CIRCLE OAKLEY, CA 94561	034-270-068	\$ 397.63
4590 TEAKWOOD COURT OAKLEY, CA 94561	035-541-011	\$ 397.63
4621 TEAKWOOD CT OAKLEY, CA 94561	035-541-004	\$ 397.63
4772 CARRINGTON DRIVE OAKLEY, CA 94561	041-190-050	\$ 397.63
4838 BAYSIDE WAY OAKLEY, CA 94561	035-740-076	\$ 414.70
4941 DAWSON DRIVE OAKLEY, CA 94561	035-453-010	\$ 397.63
5003 FERNWOOD CT OAKLEY, CA 94561	037-211-015	\$ 397.63
5005 MARTIN ST OAKLEY, CA 94561	037-123-032	\$ 397.63
5007 MIGUEL DRIVE OAKLEY, CA 94561	037-440-018	\$ 397.63

5190 MARTIN ST OAKLEY, CA 94561	037-123-011	\$ 397.63
5108 FERNWOOD COURT OAKLEY, CA 94561	037-211-004	\$ 2,583.75
5236 IRONWOOD LANE OAKLEY, CA 94561	037-223-005	\$ 2,072.50
150 ACME STREET, OAKLEY, CA 94561	035-121-005	\$13,472.50