



STAFF REPORT

Approved and Forwarded to the City Council:


Bryan Montgomery, City Manager

Date: May 23, 2017

To: Bryan H. Montgomery, City Manager

From: Troy Edgell, Code Enforcement Manager

Subject: Resolution Confirming the Actual Costs for an Emergency Abatement (749 Mammouth Court/APN: 033-390-025)

Background and Analysis

In accordance with OMC 1.6.138, if in the opinion of the City Manager a nuisance constitutes an immediate threat to the public, then the City Manager may abate such nuisance. The nuisance in question was located at 749 Mammouth Court and consisted of a swimming pool left unsecured. Though not required, Code Enforcement was able to contact the property owner and request self-abatement of the threat. The owner informed Code Enforcement he would not be able to secure and prevent public access to the pool due to lack of funds. Therefor the City performed the emergency abatement.

Per OMC 1.6.142 – 1.6.150, the owner has been provided sufficient notice to appeal before the City Council on May 23rd, 2017. At this time the Council shall receive and consider the report of costs (Exhibit A) and shall hear any objections of the owners of the property to be assessed the abatement costs. The Council may modify the report if deemed necessary or may continue the hearing to another time. If no objections have been made or the City Council has overruled those made, the City Council shall, by resolution, confirm the report of costs as submitted.

Once City Council confirms the costs, the City Manager may still receive payment in full of the abatement costs charged against the parcel of land and prior to the filing of such report with the County Tax Collector.

The purpose of the attached Resolution is to ensure the City's expenses for performing the emergency abatement are recovered through the placement of a special assessment on the

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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property tax rolls. Contra Costa County Tax Assessor requires all special assessments be confirmed by the City Council.

Fiscal Impact

Adoption of the Resolution will authorize the City to place a lien on the property and recover the actual costs of the emergency abatement via direct assessment on the 2017-2018 tax roll.

Recommendation

Council adopt the attached Resolution confirming the costs for the emergency abatement and directing a special assessment and lien upon such parcel.

Attachments

1. Resolution
2. Exhibit A: Cost Report (749 Mammouth Court)

RESOLUTION NO. __-17

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 property listed in Exhibit A attached had violations which required an emergency abatement and the incurrence of actual costs by the City through the Code Enforcement Division; and

WHEREAS, the cost incurred by the City to perform the emergency abatement is shown in the Exhibit, and such cost remains unreimbursed to date; and

WHEREAS, the City seeks to confirm this cost and seeks authorization to lien the property 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 property and 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 23rd day of May by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTIONS:

APPROVED:

Sue Higgins, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date

ABATEMENT COST REPORT

749 MAMMOUTH CT OAKLEY, CA 94561

APN: 033-390-025

CONTRACTOR SERVICES*	CODE ENFORCEMENT**	ADMIN/LEGAL FEES***	Publication Fee****	TOTAL COST
\$2,695.00	\$298.98	\$60.20	62.32	\$3,116.50

*Invoice attached

**Code Enforcement costs include 2 response calls (Inspection/Re-inspection) and 1 hour of administrative time at the hourly rate of \$98.28 (as identified in the 2016/2017 Overhead and Inter-fund Charges Schedule). Costs include but are not limited to: 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, gathering bids, coordinating payment, and inter-office coordination.

***Admin/Legal costs include .5 hours of administrative time at the hourly rate of \$120.39 (as identified in the 2016/2017 Overhead and Inter-fund Charges Schedule) including determination of legal and public notification requirements, and publication costs

****Publication Notice Publication