



**TO THE HONORABLE MAYOR AND COUNCIL:**

DATE: May 27, 2014

**SUBJECT: RECOVERY OF ADMINISTRATIVE CITATION FINES, INSPECTION AND RE-INSPECTION FEES, AND ABATEMENT COSTS FOR PROPERTY MAINTENANCE VIOLATIONS IN 2013**

**Report in Brief**

This report recommends adoption of Resolution No. 14-37 (Attachment 1) levying assessments for unpaid administrative citation fines, inspection and re-inspection fees, and abatement costs for properties that incurred unpaid property maintenance violations in the 2013 calendar year in the amounts listed for each property in the Resolution.

**Background**

The Code Enforcement Unit of the Concord Police Department and the Multi-Family Inspection Unit of the Community and Economic Development Department issued administrative citations, assessed inspection and re-inspection fees, and abated property maintenance violations (Public Nuisance conditions) on a number of properties during the 2013 calendar year. Several property owners, after appropriate notification, failed to correct the noted violations within the time specified. Consequently, these property owners were either fined or the City abated the violations. In cases where the City abated violations, the City paid the abatement costs. In an attempt to recover these costs each property owner was sent an invoice which has not been paid as of May 20, 2014.

The Multi-family Inspection Program collects an annual fee from market rate multi-family developments, which offsets the City costs of periodic inspection of the multi-family housing stock. This fee is charged annually to each multi-family project based on the number of dwelling units. If the annual fee is not received by the City within 90 days of the invoiced date, staff requests that the City Council approve placement of a lien on the property in the amount of the fee, plus penalties and interest. For 2013, a total of 30 multi-family projects are in arrears on this fee payment, as shown in Exhibit "A" of Attachment "1".

The Finance Department maintains accounting records of the abatement costs, inspection and re-inspection fees, and unpaid administrative citation fines. The proposed Resolution authorizes the appropriate assessments to be added to the regular property tax bills to recover the costs of abatements, fees and administrative citation fines as shown in the Cost Accounting Report (Exhibit "A" of Attachment "1"). A copy of the Cost Accounting Report, the Council Meeting Agenda and this staff report will be sent to each of the affected property owners.

**RECOVERY OF ADMINISTRATIVE CITATIONS, INSPECTION AND  
RE-INSPECTION FEES, AND ABATEMENT COSTS**

May 27, 2014

Page 2

Staff requests that the City Council approve the assessment of the costs shown in the Cost Accounting Report and direct Contra Costa County to assess the properties for these amounts. This administrative procedure will result in the City being reimbursed by the County, negating the need for the City to recover costs through further legal action.

**Fiscal Impact**

The City has incurred the costs shown on the Cost Accounting Report. Without property tax assessments, these costs are unlikely to be recovered voluntarily, and any costs incurred would need to be paid out of City General Funds. Failure to pass the Resolution will result in the City being unable to recover the incurred costs. Further, without property tax assessments for unpaid fines, the effectiveness of citations and fines as an enforcement tool will be diminished.

**Public Contact**

Each property owner affected by this Resolution has been mailed a notification of fees and fines due. Each property owner will also be mailed a copy of the Council Meeting Agenda, this staff report, and attachments.

**Recommendation for Action**

Staff recommends that the City Council adopt Resolution No. 14-37 confirming the unpaid abatement costs, administrative citation fines, inspections and re-inspection fees as shown in the Cost Accounting Report (Exhibit "A"), and directing the Contra Costa County Auditor/Controller to assess the property owners' regular property tax bills for the amounts shown therein.

  
\_\_\_\_\_  
Valerie J. Barone  
City Manager  
Valerie.Barone@cityofconcord.org

Prepared by: Russ Norris  
Sergeant -- Code Enforcement  
Russ.Norris@cityofconcord.org

Reviewed by: Guy Swanger  
Chief of Police  
Guy.Swanger@cityofconcord.org

Reviewed by: Victoria Walker  
Dir. of Community/Econ Dev Svc  
Victoria.Walker@cityofconcord.org

**BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD  
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A Resolution Confirming the Code Enforcement and  
Building Division Cost Accounting Report of Unpaid  
Administrative Citation Fines, Inspection Fees,  
Re-Inspection Fees and Abatement Costs**

**Resolution No. 14-37**

**WHEREAS**, the City Council, after giving all public notices as required by law, held its meeting on May 27, 2014, to consider assessments and penalties against properties in the City of Concord with unpaid administrative citation fines, inspection fees, re-inspection fees and abatement costs as reflected in the Cost Accounting Report (Exhibit “A”); and

**WHEREAS**, pursuant to Concord Municipal Code Sections 62-37, 62-38, 114-37 and 114-38, Code Enforcement and Building Division staff are authorized to conduct inspections, re-inspections and abatements, issue administrative citations and to charge the property owner for all costs thus incurred.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES  
RESOLVE AS FOLLOWS:**

**Section 1.** Confirms the unpaid administrative citation fines, inspection fees, re-inspection fees and abatement costs in the amounts listed for each property as of May 20, 2014, as reflected in the attached Cost Accounting Report (Exhibit “A”).

**Section 2.** Directs the City Clerk to forward a certified copy of this Resolution to the Auditor-Controller of Contra Costa County who shall cause the appropriate assessments to be added to the next regular tax bill levied against the appropriate real property for municipal purposes; said amounts shall be collected at the same time and manner as ordinary municipal taxes; a copy of this Resolution shall be recorded with the County Recorder’s Office.

**Section 3.** This resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** by the City Council of the City of Concord on May 27, 2014 by the following vote:

**AYES:** Councilmembers -

**NOES:** Councilmembers -

**ABSTAIN:** Councilmembers -

**ABSENT:** Councilmembers -

**I HEREBY CERTIFY** that the foregoing Resolution No. 14-37 was duly and regularly adopted at a regular joint meeting of the City Council and the Redevelopment Agency of the City of Concord on May 27, 2014.

\_\_\_\_\_  
Mary Rae Lehman  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Mark Coon  
City Attorney

Exhibit A - Cost Accounting Report

RECOVERY OF ADMINISTRATIVE CITATION FINES, INSPECTION AND RE INSPECTION FEES,  
AND ABATEMENT COSTS

**Resolution \_\_\_\_ - \_\_\_\_**  
**Exhibit A**  
**Cost Accounting Report**

<b>Date</b>	<b>Property Owner</b>	<b>Total Due</b>	<b>Property Address</b>
12/20/2013	LEE & JUDITH WALHOVD	417.47	1200 Mesa St
03/22/2013	CATANIA,GENE	515.44	2972 Grant St
10/18/2013	BARAJAS,JOSE	1,603.21	1147 Aspen Dr
12/20/2013	MAXACO, LLC	659.39	2175 California St
05/17/2013	CHARLIE VANBRRUSSELEN	1,757.84	1745 Elmhurst Ln
07/05/2013	KULA,JAMES A & CAROLE Y	2,678.62	4406 Shellbark Ct
06/28/2013	ORCUTT,STEVE	835.66	5134 Red Oak Dr
09/05/2013	OCAMPO,ALVARO & REBECCA	862.86	1851 Solano Wy
09/05/2013	JONES,GREGORY	333.94	3611 Sanford St
10/18/2013	MEAD,DANIEL	325.45	914 Flint Ave
11/08/2013	SANDOVAL,JESUS	316.96	1850 Mayette Ave
12/13/2013	NGUYEN,VIEN	308.47	1461 Sunshine Dr
05/24/2013	REFUGIO & BERTHA CAMPOS	1,209.60	1106 Victory Lane
06/28/2013	ESPRESSO ROMA CORP	7,136.64	1841 Laguna Street
08/05/2013	JAIME GUTIERREZ	256.11	3484 Willow Pass Road
04/04/2013	DON SABIN	1,785.60	2415 Olivera Road
11/22/2013	CORNELLA TRE,JOE V. & FRED A M	1,111.32	1501 Grove Way
12/20/2013	CORNELLA TRE,JOE V. & FRED A M	1,947.75	1890 Farm Bureau Road
11/22/2013	McNEELY Jr.,RICHARD M.	476.28	2490 Walters Way
09/27/2013	TERRELL,ERIC	4,616.49	1090 Mi Casa Court
05/24/2013	LU-OWYANG, LLC	864.00	1750 Diane Court
11/22/2013	COCOTIS,TRE,ALEXANDER PAUL	317.52	2023 E Sierra Road
12/20/2013	JERRY YANG	623.28	1501 Garcez Drive
12/20/2013	JAMES GILBERT	857.01	3480 Royal Road
11/22/2013	CHAPMAN,LISA	952.56	2055 Sierra Road
01/21/2011	CITY HOME APARTMENT, LLC	971.52	1636 Clayton Road
06/28/2013	ARMSTRONG,DAVID	679.68	1691 Haller Court

RECOVERY OF ADMINISTRATIVE CITATION FINES, INSPECTION AND RE INSPECTION FEES,  
AND ABATEMENT COSTS

Resolution \_\_\_\_ - \_\_\_\_

Exhibit A

Cost Accounting Report

09/27/2013	WAI FUNG CHANG	329.28	1480 Marclair Drive
12/20/2013	KARBASSI,PEDRAM	311.64	2021 E Sierra Road
11/01/2013	SUDHIR,VARINDER	323.40	1433 Carleton Drive
11/01/2013	SUDHIR,VARINDER	323.40	1456 Carleton Drive
04/04/2013	BACHAN,SINGH BAJAW & DARSHAN	535.68	1201 Detroit Avenue
03/02/2012	APARTMENTS, LLC,BEA EAST	2,326.50	2354 Bonifacio
05/24/2013	INVESTMENTS,HARBOR REAL ESTATE	950.40	1844 Robin Lane
04/04/2013	MORTGAGE ASSN.,FEDERAL NATIONAL	357.12	1910 Queens Road
04/04/2013	PENCE,MICHAEL	357.12	2040 Riley Court
05/24/2013	NATIONSTAR MORTGAGE LLC	345.60	1914 Clayton Way
12/20/2013	RENAISSANCE,BEHRINGER HARVARD	10,284.12	1825 Galindo Street
12/20/2013	PO,EDWARD	311.64	1631 Frisbie Court

Code Enforcement SubTotal:	10,615.31
Multi-Family Inspection SubTotal:	40,561.26
<b>Total Costs:</b>	<b>51,176.57</b>