



TO THE HONORABLE MAYOR AND COUNCIL:

DATE: June 9, 2015

SUBJECT: RECOVERY OF ADMINISTRATIVE CITATION FINES, INSPECTION AND RE-INSPECTION FEES, AND ABATEMENT COSTS FOR PROPERTY MAINTENANCE VIOLATIONS IN 2014

Report in Brief

This report recommends adoption of Resolution No. 15-42 (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 2014 calendar year in the amounts listed for each property in the Cost Accounting Report comprising Exhibit A to the proposed 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 2014 calendar year. Several property owners, after at least three notifications from the Code Enforcement Unit, 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 listed in Exhibit A (“Cost Accounting Report”) to the proposed Resolution (Attachment 1) was sent an invoice at least twice which has not been paid as of June 9, 2015.

The Multi-family Inspection Program collects an annual fee from market rate multi-family developments, which offsets 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. When the annual fee is not received by the City within 90 days of the invoiced date, at least two additional invoices are sent to the property owner. As of June 9, 2015, the Multi-family Inspection Program fees shown in Exhibit A (“Cost Accounting Report”) remain unpaid and staff requests that the City Council approve placement of a lien on the properties in the amount of the fee, plus penalties and interest.

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. 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
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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

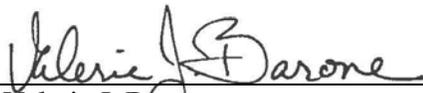
The City has incurred the costs shown on the Cost Accounting Report. Without property tax assessments, these costs are unlikely to be recovered voluntarily, and any costs incurred would need to be paid out of City General Funds. Failure to pass the Resolution will result in the City being unable to recover 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. 15-42 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.



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**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. 15-42

WHEREAS, the City Council, after giving all public notices as required by law, held its meeting on June 9, 2015, 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 8.25.070, 8.25.080, 8.25.090, 8.40.070, and 8.40.08, 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 June 9, 2015, 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.

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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 June 9, 2015 by the following vote:

AYES: Councilmembers -

NOES: Councilmembers -

ABSTAIN: Councilmembers -

ABSENT: Councilmembers -

I HEREBY CERTIFY that the foregoing Resolution No. 15-42 was duly and regularly adopted at a regular joint meeting of the City Council and the Redevelopment Agency of the City of Concord on June 9, 2015.

Joelle Fockler
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 15-42
Exhibit A
Cost Accounting Report

Date	Property Owner	APN	Total Due
9/12/2014	FULLER, PETER	147300079	\$459.60
01/10/2014	RICHARD A. TARANTINO JR.	115272036	\$954.31
03/21/2014	MICHIYO FONTAINE	147123003	\$2,290.31
03/14/2014	MYERS,LARRY	111083015	\$359.41
01/31/2014	JOANNE PAYNE	105184011	\$952.33
01/10/2014	SKYY PROPERTIES, LLC	128210057	\$712.37
01/10/2014	FAIZAL KHAN	128101011	\$3,082.45
05/23/2014	ARNOLD,JEFFREY & LAUREEN	105083013	\$342.43
10/17/2013	John & Linda Nevis	128052010	\$3,440.30
07/25/2014	HAYS,ELIZABETH	147180011	\$440.45
12/13/2013	NGUYEN,VIEN	128144007	\$384.88
01/03/2014	SANCHEZDERICO,GUADALUPE	128182004	\$410.91
03/09/2014	SWIFT, DAVID	105183019	\$1,889.57
12/12/2014	KLINE,GEORGE & JULIE	128073007	\$1,211.88
04/11/2014	CAMBEROS,ENRIQUE & ROSARIO	128161012	\$909.66
04/11/2014	SANTERAMO,JAMES	114231022	\$1,315.98
07/25/2014	OBRIEN,DENNIS & KRISTEN	115353015	\$831.82
07/25/2014	GERKE,DAVID	114421032	\$831.82
9/12/2014	OLSEN, CHRIS	114572010	\$339.60
9/12/2014	ROGERS, LESLIE & NADINE	132186002	\$339.60
11/14/2014	CLAGETT,STEVEN JOHN	129452005	\$321.76
12/12/2014	SERVICING,SHELLPONT MORTGAGE	110083018	\$535.64
05/23/2014	FORTINO,PAUL L.	128280026	679.71
04/04/2014	LANCE,JEFFERY S.	128210046	431.92
11/26/2014	McNEELY Jr.,RICHARD M.	128190033	186.55
04/04/2014	ALVARADO,FRANCISCO	116201036	267.95
08/19/2014	MONZAVIAN SYROOS	120361006	329.28
11/26/2014	CHAPMAN,LISA	129520025	917.28

Multi-Family Inspection Subtotal: 2,812.69

Code Enforcement Subtotal: \$22,357.08

Total: \$25,169.77