



## Staff Report

**Date:** July 12, 2016

**To:** City Council

**From:** Valerie J. Barone, City Manager

**Reviewed by:** Guy Swanger, Chief of Police

**Reviewed by:** Victoria Walker, Director of Community & Economic Development

**Prepared by:** Renee Williams, Sergeant – Code Enforcement  
[Renee.williams@cityofconcord.org](mailto:Renee.williams@cityofconcord.org)  
 (925) 671-5041

**Subject:** **Considering approval of Resolution No. 16-48 levying assessments for unpaid administrative citation fines, inspection and re-inspection fees, and abatement costs for property maintenance violations in the 2015 calendar year**

### Report in Brief

Adoption of Resolution No. 16-58 (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 2015 calendar year in the amounts listed for each property in the Cost Accounting Report comprising Exhibit A to the proposed Resolution.

### Recommended Action

Staff recommends that the City Council adopt Resolution No. 16-58 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.

### 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

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during the 2015 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 July 12, 2016.

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 22, 2016, 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.

### **Analysis**

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.

### **Financial 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.

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### **Public Contact**

The City Council Agenda was posted. 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 prior to the Council meeting.

### **Attachments**

1. Resolution No. 16-58 with Cost Accounting Report (Exhibit A)



1                   **PASSED AND ADOPTED** by the City Council of the City of Concord on July 12, 2016, by  
2 the following vote:

3 **AYES:**           Councilmembers -

4 **NOES:**           Councilmembers -

5 **ABSTAIN:**       Councilmembers -

6 **ABSENT:**       Councilmembers -

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8                   **I HEREBY CERTIFY** that the foregoing Resolution No. 16-58 was duly and regularly  
9 adopted at a regular meeting of the City Council of the City of Concord on July 12, 2016.

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Joelle Fockler, MMC  
City Clerk

**APPROVED AS TO FORM:**

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Susanne Meyer Brown  
City Attorney

Attachment: Exhibit A - Cost Accounting Report

cc:     Auditor-Controller of Contra Costa County  
       Contra Costa County Recorder's Office

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

**Resolution 16-58**

**Exhibit A**

**Cost Accounting Report**

<b>Date</b>	<b>Case #</b>	<b>Property Owner</b>	<b>Address</b>	<b>Total Due</b>
4/24/2015	MS04-0134	SABIN, DON	2415 Olivera Rd	<b>1,916.63</b>
06/12/2015	CE14-2607	MOLLIE SHEA	4001 Clayton Rd	<b>1,053.00</b>
12/04/2015	CE15-1969	CATANIA,GENE	2972 Grant St	<b>470.15</b>
06/12/2015	CE14-3766	CHOU TRE,HELEN	1328 San Jose Ave	<b>357.42</b>
08/23/2015	CE15-0914	HARO,JAMES & DORIS	2579 Montgomery Ave	<b>3,627.54</b>
11/19/2015	MS04-0287	MONTES, CESAR & ROSA	2011 Sierra Rd	<b>432.37</b>
11/06/2015	CE15-2168	PEREZ SCHLOMO	1611 Frisbie Ct	<b>828.60</b>
07/07/2015	CE14-3464	KONG TRE,SOO MKEUNG	2066 Parkside Dr	<b>349.30</b>
05/01/2015	CE15-0602	MARTINEZ,DAVID, F.	3194 Hillview Ct	<b>369.30</b>
07/07/2015	CE15-1037	RHIEL,JACK	1121 Newhaven Pl	<b>844.78</b>
06/12/2015	CE15-0791	WHITEHURST TURPIN,ROBYN	2127 La Orinda Pl	<b>483.72</b>
06/12/2015	CE15-1243	ROMO,ERIC & MARY JANE	1481 Willcrest Dr	<b>346.96</b>
12/30/2015	CE15-2172	LANGTON,MICHAEL	3834 Cowell Rd	<b>354.03</b>
07/07/2015	CE15-0772	SAKS,DEBORAH	3119 The Alameda	<b>350.38</b>
10/23/2015	CE15-1231	NATIONAL ASSOC.,US BANK	1220 Cape Code Ct	<b>3,803.03</b>
08/07/2015	CE15-1371	CAPOVILLA,FRANK	1831 Toyon Dr	<b>356.56</b>
12/04/2015	CE15-1608	MARTINEZ,RAMIRO	3658 Hillsborough Dr	<b>1,536.22</b>
08/07/2015	CE15-1557	HAKIM,RASHIDI	999999 Wren Ave	<b>341.57</b>
11/06/2015	CE15-0934	DALE,GABRIELLE	1951 Gelbke Ln	<b>2,390.58</b>
10/02/2015	CE15-1861	TRUST,CHRISTIANA	3544 Thunderbird Dr	<b>325.73</b>
11/06/2015	CE15-1546	SOEHNGEN,GEORGE	1861 Toyon Dr	<b>751.18</b>
11/06/2015	CE15-2080	POLICHIA,JOSEPH & NOELLE	1440 Franquette Ave	<b>427.43</b>
11/06/2015	CE15-2105	TILTON,BRIAN	5555 Merritt Dr	<b>315.82</b>
12/04/2015	CE15-2118	DART,NICOLE	2954 Glenside Dr	<b>724.60</b>
12/18/2015	CE15-2091	BANK NA TRE,WELLS FARGO	1849 Pierce Ct	<b>1,079.04</b>
12/10/2015	CE15-2353	FAUST,MARGARET	2741 Grant St	<b>306.21</b>
12/10/2015	CE15-2450	WILGUS,KYLE	5532 Indiana Dr	<b>314.64</b>
12/18/2015	CE14-2358	MCDAVID, JR,ROBERT	2300 Hemlock Ave	<b>27,731.71</b>
<b>Total Costs:</b>				<b>\$52,188.50</b>