

**REPORT TO MAYOR AND COUNCIL**

TO THE HONORABLE MAYOR AND COUNCIL:

DATE: June 8, 2009

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

Report in Brief

This report recommends adoption of Resolution No. 09-33 (Attachment 1) levying assessments for unpaid administrative citation fines, inspection and re-inspection fees, and abatement costs in the amounts listed for each property in the Resolution.

Background

The Neighborhood Services Division has issued administrative citations, assessed inspection and re-inspection fees, and abated property maintenance violations (Public Nuisance conditions) on a number of properties that are owned by individuals who have not responded to the City's requests to pay the charges and fees associated with these actions.

The Finance Department has kept cost records of these costs. Adoption of Resolution No. 09-33 will direct Contra Costa County to assess the involved properties for the City's costs. This administrative procedure allows the City to recover incurred costs without taking further legal action. A copy of this Agenda report with all attachments has been sent to each of the affected property owners.

Discussion

The Neighborhood Services Division used administrative citations and abatement actions to correct violations of the Concord Municipal Code on some properties. The involved properties and city incurred costs are listed in the Cost Accounting Report attached to this report, Exhibit "A." In the majority of the cases, the abatement actions and administrative citation fines took place after other attempts to have the property owner correct the violations had failed. The City paid the abatement costs.

In the case of Multi-Family properties, the property owner received a bill for the annual service fee, and staff conducted inspections and re-inspections, and issued administrative citations. To recover these costs each property owner was sent an invoice. Some of the property owners have not paid the annual service fees or administration citation charges.

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Adoption of Resolution No. 09-33 will authorize 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 allow the City to recover incurred costs without taking further legal action.

Fiscal Impact

The City has incurred the costs shown on the Cost Accounting Report. Given the lack of payment to date, property tax assessments are an appropriate tool. Adoption of Resolution No. 09-33 will allow the City to recover its incurred costs.

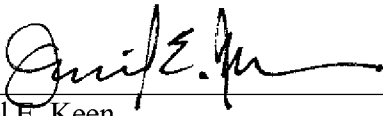
Public Contact

Property owners affected by this Resolution have been mailed a copy of the Council Meeting Agenda, this staff report, and attachments.

Recommendation for Action

Staff recommends the City Council adopt Resolution No. 09-33 confirming the unpaid abatement costs, administrative citation fines, inspections and re-inspection fees as shown in the Cost Accounting Report (Exhibit "A"), and direct the Contra Costa County Recorder's Office to assess the property owners' regular property tax bills for the amounts shown therein.

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Attachment 1: Resolution No. 09-33 with Cost Accounting Report (Exhibit "A")

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

**A Resolution Confirming the Neighborhood Services
Division’s Cost Accounting Report of Unpaid
Administrative Citation Fines, Inspection Fees, Re-
Inspection Fees and Abatement Costs**

Resolution No. 09-33

WHEREAS, the City Council, after giving all public notices as required by law, held its meeting on June 8, 2009, to consider assessments and penalties against properties in the City of Concord with unpaid administrative citation fees, 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, the Neighborhood Services Division staff is 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 March 31, 2009, 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 June 8, 2009, by the following vote:

AYES: Councilmembers -

NOES: Councilmembers -

1 **ABSTAIN:** Councilmembers -

2 **ABSENT:** Councilmembers -

3 **I HEREBY CERTIFY** that the foregoing Resolution No. 09-33 was duly and regularly
4 adopted at a regular joint meeting of the City Council and the Redevelopment Agency of the City of
5 Concord on June 8, 2009.

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Mary Rae Lehman
City Clerk

8 **APPROVED AS TO FORM:**

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Craig Labadie
City Attorney

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AGENDA
Item 3.a
Attachment #1
Exhibit A to
Resolution 09-33

6/8/09 Meeting

This item was not available at
the time the packet went to
the printer.