



CITY COUNCIL AGENDA REPORT

MEETING DATE: JULY 17, 2012

ITEM NUMBER:

SUBJECT: APPROVE CERTIFICATION OF SPECIAL ASSESSMENTS FOR DELINQUENT CIVIL FINES FOR MUNICIPAL CODE VIOLATIONS

DATE: JULY 3, 2012

FROM: FINANCE DEPARTMENT, ADMINISTRATION

PRESENTATION BY: BOBBY YOUNG, FINANCE & I.T. DIRECTOR

FOR FURTHER INFORMATION CONTACT: BOBBY YOUNG, FINANCE & I.T. DIRECTOR, (714) 754-5243

RECOMMENDED ACTION:

- 1) Hold Public Hearing
- 2) Adopt Resolution No. 12-____ entitled "A Resolution of the City Council of the City of Costa Mesa certifying Special Assessments for Collection of Delinquent Civil Citations for Municipal Code Violations."

BACKGROUND:

Pursuant to State law, certain delinquent fines, interest, and penalties may be collected as part of nuisance abatement procedures authorized by Government Code section 38773.5. These procedures authorize municipalities to levy and collect delinquent Civil Citation fines plus interest and penalties as a Special Assessment lien against the real property of those so assessed.

Staff has made repeated attempts without success to collect the Civil Citation fines due from the property owners listed in Attachment 1 entitled "2012 Civil Citation Special Assessment List". There are a total of 71 delinquent civil citations that are recommended to be assessed against 24 properties. The total amount now delinquent equals \$45,875.00.

Each property owner was notified in writing of their rights to a hearing pursuant to Municipal Code Section 1-45 through Section 1-47 when the citations were initially issued. Also, each property owner has been advised in writing by certified mail of this hearing and further, that their right to an administrative hearing and judicial review of the citation issued against them has now expired.

The purpose of the public hearing is to consider a resolution to certify the Special Assessments and authorize recording such assessments against the respective properties as liens. This action will also authorize the Tax Collector for the County of Orange to place the assessments on the tax roll and proceed to collect the assessments as property tax

liens against their properties. Should the assessments be added to the tax roll as liens, penalties and interest will continue to accrue until paid at the maximum rate allowed by state law.

Those property owners who so choose may appear before City Council at this public hearing and contest the amount and/or validity of any lien or assessment for a civil fine.

However, pursuant to Municipal Code Section 1-48(4), such contests shall be limited to the issue of the amount and/or validity of the lien or assessment (whether the civil citation can legally be added to the tax roll as a special assessment) and may not consider whether the underlying Code violation occurred. All administrative hearings and rights of appeal have been exhausted for those parties listed in Attachment 1.

ANALYSIS:

Pursuant to State law, the City may choose to collect delinquent fines, interest, and penalties as special assessments against the real property involved. The assessments are limited to property related violations, wherein the fines exceed \$250.00 cumulatively and are at least sixty days past due. In addition, for those proposed Special Assessments, all administrative hearing or appeal rights of the cited persons must have been exhausted.

For each of the Civil Citations listed in Attachment 1, the fines plus interest and penalties have not been paid. The total amount now delinquent equals \$45,875.00. Staff has made repeated attempts to collect the fines without success.

If the resolution is approved, these fine amounts will be levied as Special Assessments against the properties as listed. Once certified, the fines will be reported to the Orange County Tax Assessor for inclusion on the property tax bills as Special Assessments.

A Public Hearing is required prior to adoption of the resolution certifying the Special Assessments to the Orange County Assessor for inclusion on the Tax Roll. Each of the property owners listed in Attachment 1 have received certified letters notifying them of the proposed Special Assessment against their property for delinquent Civil Citations and the date and time of the public hearing.

Those property owners who so choose may appear before City Council at this public hearing and contest the amount and/or validity of any lien or assessment for a civil fine.

However, pursuant to Municipal Code Section 1-48(4), such contests shall be limited to the issue of the amount and/or validity of the lien or assessment (whether the civil citation can legally be added to the tax roll as a special assessment) and may not consider whether the underlying Code violation occurred.

Also, the legal notice advertising the public hearing which is required pursuant to the State Code has been published in the Daily Pilot.

ALTERNATIVES CONSIDERED

Council may choose to reject the resolution and direct staff to proceed to collect delinquent civil citations through the collection agency currently used by the City. However, this would severely reduce the maximum amount that could be collected by the City. No further alternatives were considered.

FISCAL REVIEW

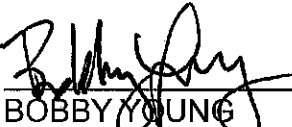
By certifying the Special Assessments to the Orange County Assessor for inclusion on the Property Tax Roll, the City will collect approximately \$34,406.00, 75% of the total amount due of \$45,875.00.

LEGAL REVIEW

The City Attorney has reviewed and approved the attached resolution as to form.

CONCLUSION:

By adopting the attached resolution, the City will be able to collect approximately 75% of the delinquent receivables for Civil Citations less the County's Property Tax Administrative Fee. Therefore, adoption of the attached resolution certifying the Special Assessments to the Orange County Assessor for inclusion on the Property Tax Roll is recommended.



BOBBY YOUNG
Finance & I.T. Director

THOMAS DUARTE
City Attorney

Attachment 1: 2012 Civil Citation Special Assessment List

Attachment 2: Resolution Certifying Special Assessments for Collecting Delinquent Fines

Violation Address	Parcel Number	Mailing Address	Customer Name	Invoice Amount	Invoice Number	Invoice Type
2264 Pomona Ave	422-374-02	P O Box 4236	CA 92628 Jeffrey Chapman	475.00	CITY58221	CVC
2264 Pomona Ave		P O Box 4236	CA 92628 Jeffrey Chapman	625.00	CITY58540	CVC
2264 Pomona Ave		P O Box 4236	CA 92628 Jeffrey Chapman	1,025.00	CITY58775	CVC
2264 Pomona Ave		P O Box 4236	CA 92628 Jeffrey Chapman	1,025.00	CITY59069	CVC
1027 Mission Dr	141-664-04	17881 Sampson Ln #1	CA 92647 Vu Quoc Van	475.00	CITY58520	CVC
1027 Mission Dr		17881 Sampson Ln #1	CA 92647 Vu Quoc Van	625.00	CITY58778	CVC
657 Beach St	422-242-12	657 Beach St	CA 92627 Leslie Lauanders	325.00	CITY58776	CVC
657 Beach St		657 Beach St	CA 92627 Leslie Lauanders	625.00	CITY59067	CVC
3251 Turlock Dr	412-104-19	3251 Turlock Dr	CA 92626-2124 Joseph A Corvi	175.00	CITY58786	CVC
3251 Turlock Dr		3251 Turlock Dr	CA 92626-2124 Joseph A Corvi	325.00	CITY59308	CVC
741 W 18th St	424-052-02	P O Box 513	CA 91976-0513 Michael Lee	825.00	CITY58524	CVC
741 W 18th St		P O Box 513	CA 91976-0513 Michael Lee	1,025.00	CITY58783	CVC
741 W 18th St		P O Box 513	CA 91976-0513 Michael Lee	1,025.00	CITY59072	CVC
741 W 18th St		P O Box 513	CA 91976-0513 Michael Lee	2,700.00	CITY58217	CVC
741 W 18th St		P O Box 513	CA 91976-0513 Michael E Lee	1,025.00	CITY59302	CVC
741 W 18th St		P O Box 513	CA 91976-0513 Michael E Lee	3,050.00	CITY57990	CVC
741 W 18th St		P O Box 513	CA 91976-0513 Michael E Lee	475.00	CITY57766	CVC
1789 Kenwood Pl	424-262-14	1789 Kenwood Pl	CA 92627-3655 Bradley & Renee Martin	10,125.00		
1789 Kenwood Pl		1789 Kenwood Pl	CA 92627-3655 Bradley & Renee Martin	475.00	CITY58781	CVC
1789 Kenwood Pl		1789 Kenwood Pl	CA 92627-3655 Bradley & Renee Martin	925.00	CITY59070	CVC
1789 Kenwood Pl		1789 Kenwood Pl	CA 92627-3655 Bradley & Renee Martin	1,025.00	CITY59299	CVC
423 Victoria St	419-171-20	423 Victoria St	CA 92627-1922 Michael Robertson	2,425.00		
423 Victoria St		423 Victoria St	CA 92627-1922 Michael Robertson	175.00	CITY57986	CVC
423 Victoria St		423 Victoria St	CA 92627-1922 Michael Robertson	175.00	CITY59710	CVC
423 Victoria St		423 Victoria St	CA 92627-1922 Michael Robertson	325.00	CITY58218	CVC
423 Victoria St		423 Victoria St	CA 92627-1922 Michael Robertson	675.00	CITY58522	CVC
3105 Donnybrook Ln	141-042-16	3105 Donnybrook Ln	CA 92626-2723 Douglas N Yamami	1,350.00		
3105 Donnybrook Ln		3105 Donnybrook Ln	CA 92626-2723 Douglas N Yamami	225.00	CITY57744	CVC
3105 Donnybrook Ln		3105 Donnybrook Ln	CA 92626-2723 Douglas N Yamami	325.00	CITY59311	CVC
390 Ford Rd	419-212-04	390 Ford Rd	CA 92627-2275 Larry Sutton	550.00		
390 Ford Rd		390 Ford Rd	CA 92627-2275 Larry Sutton	525.00	CITY57518	CVC
390 Ford Rd		390 Ford Rd	CA 92627-2275 Larry Sutton	525.00	CITY57742	CVC
390 Ford Rd		390 Ford Rd	CA 92627-2275 Larry Sutton	525.00	CITY57984	CVC
390 Ford Rd		390 Ford Rd	CA 92627-2275 Larry Sutton	525.00	CITY58219	CVC
390 Ford Rd		390 Ford Rd	CA 92627-2275 Larry Sutton	525.00	CITY58526	CVC
390 Ford Rd		390 Ford Rd	CA 92627-2275 Larry Sutton	525.00	CITY58777	CVC
390 Ford Rd		390 Ford Rd	CA 92627-2275 Larry Sutton	525.00	CITY59066	CVC
390 Ford Rd		390 Ford Rd	CA 92627-2275 Larry Sutton	525.00	CITY59584	CVC
3013 Royal Palm Dr	139-192-17	3013 Royal Palm Dr	CA 92626-3737 Mary Ellen Berg	4,200.00		
3013 Royal Palm Dr		3013 Royal Palm Dr	CA 92626-3737 Mary Ellen Berg	525.00	CITY58931	CVC
858 Joann St	422-361-07	858 Joann St	CA 92627-3321 Mary Gretchen Passantino	525.00		
858 Joann St		858 Joann St	CA 92627-3321 Mary Gretchen Passantino	175.00	CITY57507	CVC
858 Joann St		858 Joann St	CA 92627-3321 Mary Gretchen Passantino	325.00	CITY57751	CVC
862 Joann St	422-361-06	3246 Lees Ave	CA 90808-4219 Brian J Rapp	500.00		
862 Joann St		3246 Lees Ave	CA 90808-4219 Brian J Rapp	175.00	CITY57506	CVC
862 Joann St		3246 Lees Ave	CA 90808-4219 Brian J Rapp	325.00	CITY57750	CVC
862 Joann St		3246 Lees Ave	CA 90808-4219 Brian J Rapp	500.00		

Violation Address	Parcel Number	Mailing Address	Customer Name	Invoice Amount	Invoice Number	Invoice Type
2286 Miner St	422-163-11	3157 Gibraltar Ave	Costa Mesa CA 92626-2350 Tommy Moses Zuniga	175.00	CITY57501	CVC
2286 Miner St		3157 Gibraltar Ave	Costa Mesa CA 92626-2350 Tommy Moses Zuniga	525.00	CITY57985	CVC
2286 Miner St		3157 Gibraltar Ave	Costa Mesa CA 92626-2350 Tommy Moses Zuniga	525.00	CITY58521	CVC
				1,225.00		
120 Virginia Pl	426-052-15	120 Virginia Pl	Costa Mesa CA 92627-6733 Mitchell Burrus	175.00	CITY57487	CVC
120 Virginia Pl		120 Virginia Pl	Costa Mesa CA 92627-6733 Mitchell Burrus	325.00	CITY57982	CVC
				500.00		
3220 Nebraska Pl	139-083-06	23801 Via Roble	Coto De Caza CA 92679-4012 Alan J Schryer	325.00	CITY58261	CVC
				325.00		
586 Traverse Dr	418-021-04	586 Traverse Dr	Costa Mesa CA 92626-3117 Jack Keahola Flynn	175.00	CITY58224	CVC
586 Traverse Dr		586 Traverse Dr	Costa Mesa CA 92626-3117 Jack Keahola Flynn	650.00	CITY59818	CVC
				825.00		
116 E 18th St	425-451-34	2908 Ocean Blvd	Corona Del Mar CA 92625-3233 Shirley A Jobe	500.00	CITY58229	CVC
116 E 18th St		2908 Ocean Blvd	Corona Del Mar CA 92625-3233 Shirley A Jobe	500.00	CITY58528	CVC
				1,025.00		
3036 Killybrooke Ln	141-163-05	800 State Highway #121	Lewisville TX 75067-4180 Bank Lasalle National Association Trust	325.00	CITY58541	CVC
3036 Killybrooke Ln		800 State Highway #121	Lewisville TX 75067-4180 Bank Lasalle National Association Trust	625.00	CITY58787	CVC
3036 Killybrooke Ln		800 State Highway #121	Lewisville TX 75067-4180 Bank Lasalle National Association Trust	1,025.00	CITY59591	CVC
				1,975.00		
1368 Garingford St	141-022-07	2960 S Greenville St #A	Santa Ana CA 92704-6051 Patrick Martin	175.00	CITY58544	CVC
1368 Garingford St		2960 S Greenville St #A	Santa Ana CA 92704-6051 Patrick Martin	325.00	CITY58788	CVC
1368 Garingford St		2960 S Greenville St #A	Santa Ana CA 92704-6051 Patrick Martin	525.00	CITY59310	CVC
				1,025.00		
300 Bristol St	427-165-06	c/o Atlantic Richfield - ARCO P O Box 5015	Buena Park CA 90622-5015 Bristol Plaza LLC	325.00	CITY58789	CVC
				325.00		
660 Seal St	422-231-12	660 Seal St	Costa Mesa CA 92627-3414 Alexander J Vogel	175.00	CITY58791	CVC
660 Seal St		660 Seal St	Costa Mesa CA 92627-3414 Alexander J Vogel	325.00	CITY59712	CVC
660 Seal St		660 Seal St	Costa Mesa CA 92627-3414 Alexander J Vogel	325.00	CITY59812	CVC
				825.00		
1992 Westminster Ave	426-284-01	2400 Eiden Ave #17	Costa Mesa CA 92627-7004 Kristen Litchfield	325.00	CITY59298	CVC
1992 Westminster Ave		2400 Eiden Ave #17	Costa Mesa CA 92627-7004 Kristen Litchfield	625.00	CITY59596	CVC
				950.00		
2661 Orange Ave	439-221-35	2661 Orange Ave	Costa Mesa CA 92627-6661 Gladys L Hoffman Trust	525.00	CITY59614	CVC
				525.00		
671 W 17th St	424-291-11	7251 W Lake Mead Bl	Las Vegas NV 89128-8351 Seventeenth St Realty Corp	25.00	CITY60360	CVC
671 W 17th St		7251 W Lake Mead Bl	Las Vegas NV 89128-8351 Seventeenth St Realty Corp	325.00	CITY60816	CVC
				350.00		

GRAND TOTAL \$45,875.00

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CERTIFYING SPECIAL ASSESSMENTS FOR COLLECTING DELINQUENT CIVIL FINES FOR MUNICIPAL CODE VIOLATIONS.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City Council has adopted Chapter II of Title 1 of the Costa Mesa Municipal Code, which authorizes the issuance of civil citations that impose fines upon persons who violate the Municipal Code of the City of Costa Mesa; and

WHEREAS, certain civil citations have been issued and the civil fines imposed thereby have not been paid by the responsible persons who committed the Municipal Code violations; and

WHEREAS, Government Code section 38773.5 authorizes the City of Costa Mesa to collect delinquent fines, interest, and penalties as part of nuisance abatement procedures; and

WHEREAS, the City Council wishes to certify certain fines, interest, and penalties as delinquent and have them collected as special assessments against the real property involved,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Costa Mesa as follows:

1. The City Council held a public hearing on July 17, 2012, which was properly noticed as required by Government Code section 38773.5, for the purpose of certifying special assessments against properties where public nuisances have occurred.
2. The special assessments designated on Attachment 1, incorporated herein by this reference, are hereby certified as being delinquent civil fines, interest and penalties owing to the City of Costa Mesa and qualified for collection as special assessments under the Government Code.

3. The City Council orders that these delinquent fines, interest and penalties are to be collected as special assessments against the respective properties shown on Attachment 1 pursuant to the provisions of Government Code section 38773.5.
4. Pursuant to such authority, the City Treasurer is directed to take the requisite steps for recording notice of such assessments against the respective properties in the property records of the County of Orange and for obtaining the collection of such assessments by the Tax Collector of the County of Orange.
5. The City Treasurer is also authorized to take the necessary steps to have releases filed with the County Recorder when any such special assessments have been paid.

PASSED AND ADOPTED this 17th day of July, 2012.

Eric Bever, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, Interim City Clerk

Thomas Duarte, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, Interim City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 12- and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 17th day of July, 2012, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 18th day of July, 2012.

BRENDA GREEN, INTERIM CITY CLERK

(SEAL)