



CITY COUNCIL AGENDA REPORT

MEETING DATE: JULY 16, 2013

ITEM NUMBER:

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

DATE: JUNE 28, 2013

FROM: FINANCE DEPARTMENT, OPERATIONS DIVISION

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. ____ 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 "2013 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 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: [2013 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	
	542 Hamilton St	422-021-22	542 Hamilton St	Costa Mesa	CA	92627-2617	Peter Leuck	625.00	CITY62920	CVC
1								625.00		
	1654 Oahu Pl	139-281-11	1654 Oahu Pl	Costa Mesa	CA	92626-4811	Jean G Armistead	625.00	CITY62194	CVC
	1654 Oahu Pl						Jean G Armistead	1,025.00	CITY62911	CVC
2								1,650.00		
	2238 Continental Ave	422-393-14	2238 Continental Ave	Costa Mesa	CA	92627-3365	Edgar Esquivas	475.00	CITY62780	CVC
3								475.00		
	854 Congress St	422-431-09	854 Congress St	Costa Mesa	CA	92627-3338	Steven Joseph Fodor	325.00	CITY62186	CVC
4								325.00		
	1992 Westminster Ave	426-284-01	2400 Elden Ave #17	Costa Mesa	CA	92627-7004	Kristian Daniel Litchfield	325.00	CITY61159	CVC
	1992 Westminster Ave						Kristen Litchfield	325.00	CITY61282	CVC
	1992 Westminster Ave						Kristen Litchfield	950.00	CITY62192	CVC
	1992 Westminster Ave						Kristen Litchfield	525.00	CITY62758	CVC
5								2,125.00		
	390 Ford Rd	419-212-04	891 Joann St	Costa Mesa	CA	92627-3351	Larry Sutton	525.00	CITY60049	CVC
6								525.00		
	703 W 18th St	424-052-10	2222 Avalon St	Costa Mesa	CA	92627-1620	Guadalupe M Angeles	1,975.00	CITY63585	CVC
7								1,975.00		
	2286 Miner St	422-163-11	3157 Gibraltar Ave	Costa Mesa	CA	92626-2350	Tommy Moses Zuniga	325.00	CITY62191	CVC
8								325.00		
	2906 Redwood Ave	139-294-24	2906 Redwood Ave	Costa Mesa	CA	92626-3719	Robert S Orlando	325.00	CITY60346	CVC
9								325.00		
	2119 Harbor Blvd	422-021-12	1311 S Atlantic Blvd	Los Angeles	CA	90022-5013	Visalia Upholstery Supply Inc/Fernando Jimenez	525.00	CITY60821	CVC
10								525.00		
	1858 Newport Blvd	425-452-21	1858 Newport Blvd	Costa Mesa	CA	92627-2727	Diane Steven	475.00	CITY62190	CVC
11								475.00		
	1090 El Camino Dr	141-621-12	1090 El Camino Dr	Costa Mesa	CA	92626-5541	John Rubright	175.00	CITY60065	CVC
	1090 El Camino Dr						John Rubright	325.00	CITY60590	CVC
12								500.00		
	1184 Paularino Ave	141-602-26	1184 Paularino Ave	Costa Mesa	CA	92626-2839	Christine Stone	325.00	CITY60358	CVC
							Christine Stone	625.00	CITY61142	CVC
13								950.00		
	786 Shalimar Dr	424-051-19	19910 Saltee Ave	Torrance	CA	90503-1933	Tuan and Monique Nguyen	175.00	CITY60362	CVC
	786 Shalimar Dr						Tuan and Monique Nguyen	1,150.00	CITY61158	CVC
	786 Shalimar Dr						Tuan and Monique Nguyen	325.00	CITY62756	CVC
14								1,650.00		
	2920 Royal Palm Dr	139-293-04	2920 Royal Palm Dr	Costa Mesa	CA	92626-3813	Jose & Hilda Moreno	325.00	CITY60823	CVC
15								325.00		
	2249 Harbor Blvd	422-193-19	2249 Harbor Blvd	Costa Mesa	CA	92627-2512	Arti Enterprise LLC/Raj Chaudhary	175.00	CITY61135	CVC
	2249 Harbor Blvd						Arti Enterprise LLC/Raj Chaudhary	175.00	CITY62916	CVC
18								350.00		
	776 Joann St	422-371-05	776 Joann St	Costa Mesa	CA	92627-2902	Eric D Ebert	650.00	CITY62397	CVC
	776 Joann St						Eric D Ebert	475.00	CITY62760	CVC
	776 Joann St						Eric D Ebert	625.00	CITY62776	CVC
19								1,750.00		
	797 Scott Pl	424-172-01	797 Scott Pl	Costa Mesa	CA	92627-3503	Fermin Valencia	500.00	CITY62198	CVC
20								500.00		
	844 Saint Clair St	141-546-10	844 Saint Clair St	Costa Mesa	CA	92626-5704	Brett Mckim	325.00	CITY62203	CVC
21								325.00		
	312 Bucknell Rd	141-411-10	14890 Roving Way	Grass Valley	CA	95949-9726	Danielle & Matthew Champeau	325.00	CITY62208	CVC
	312 Bucknell Rd						Danielle & Matthew Champeau	625.00	CITY62762	CVC
22								950.00		
	234 Hanover Dr	141-395-10	234 Hanover Dr	Costa Mesa	CA	92626-6118	Erik L Jolliff	175.00	CITY62209	CVC
	234 Hanover Dr						Erik L Jolliff	325.00	CITY62763	CVC
23								500.00		
	2525 Lehigh Pl	141-424-16	2525 Lehigh Pl	Costa Mesa	CA	92626-6121	Lawrence & Colleen Whitfield	175.00	CITY62226	CVC

	Violation Address	Parcel Number	Mailing Address			Customer Name	Invoice Amount	Invoice Number	Invoice Type
	2525 Lehigh Pl					Lawrence & Colleen Whitfield	325.00	CITY62761	CVC
	2525 Lehigh Pl					Lawrence & Colleen Whitfield	525.00	CITY62912	CVC
24							1,025.00		
	790 Hamilton St	422-461-06	610 Santa Monica Blvd #201	Santa Monica	CA 90401-1645	David A Stern	525.00	CITY63374	CVC
	790 Hamilton St					David A Stern	325.00	CITY62754	CVC
	790 Hamilton St					David A Stern	1,250.00	CITY63137	CVC
26							2,100.00		
	1054 Visalia Dr	412-105-12	1054 Visalia Dr	Costa Mesa	CA 92626-2117	Sergio Cervantes	325.00	CITY62781	CVC
27							325.00		
	3080 Country Club Dr	139-163-04	3080 Country Club Dr	Costa Mesa	CA 92626-2342	Helga Schweininger	625.00	CITY62906	CVC
28							625.00		
	423 Victoria St	419-171-20	423 Victoria St	Costa Mesa	CA 92627-1922	Michael Robertson	605.00	CITY62778	CVC
29							605.00		
						TOTAL	21,830.00		

RESOLUTION NO. 13-

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 16, 2013, 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 16th day of July, 2013.

James M. Righeimer, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Thomas Duarte, City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 13- and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 16th day of July, 2013, 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 17th day of July, 2013.

BRENDA GREEN, CITY CLERK

(SEAL)