

City of Hesperia STAFF REPORT



DATE: July 16, 2024
TO: Mayor and Council Members
FROM: Rachel Molina, City Manager
BY: Melinda Sayre, Director of Government Services/City Clerk
Jordyn LaSarge, Administrative Analyst
SUBJECT: Special Assessment of Unpaid Fees for Services and Abatement Costs

RECOMMENDED ACTION

It is recommended that the City Council approve Joint Resolution No. 2024-32 and Resolution No. HWD 2024-12, confirming parcels of land upon which unpaid fees for services, and abatement costs remain, and Joint Resolution No. 2024-33 and Resolution No. HWD 2024-13, requesting that San Bernardino County place the unpaid fees for services, and abatement costs on the property tax rolls.

BACKGROUND

Section 1.12.270 of the Hesperia Municipal Code (HMC), administrative proceedings, establishes the imposition of fines related to public nuisance violations. Section 14.02.080 (O)(7) establishes the procedure for Water District fees, delinquent charges, administrative costs, and fines to be placed as liens upon properties, with subsequent collection via the property tax rolls. Section 8.04.070(F) establishes the procedure for the placement of delinquent fees, fines, and charges due to the City's Franchise Waste Hauler as liens on properties, with subsequent collection via the property tax rolls.

Hesperia Municipal Code (HMC) Section 1.12.370 B1 authorizes the use of the special assessment for abatement cost for public nuisance violations that are unpaid at the end of the year. Abatement costs are only assessed after the property owner, or responsible person, has failed to comply with a Notice of Violation, and then issued a Notice of Public Nuisance and subsequent Administrative Citations, or through staff time accrued during the abatement of a property.

On July 3, 2002, the City Council adopted Resolution 2002-42, adopting an administrative fine schedule. Since the intent of Code Compliance is to gain voluntary compliance, should a property remain out of compliance and require several notices, this option allows the City to gain compliance through abatement and follows with collection of unpaid fees.

ISSUES/ANALYSIS

There are 53 separate properties which have accumulated Code Enforcement abatement costs and administrative fees, for an approximate total of \$14,465. Additionally, there are 2,176 separate properties which have accumulated delinquent water and/or sewer fees for an approximate total of \$1,154,164.

Additionally, the City provides assistance to Advance Disposal to assess unpaid trash bills through the special assessment process. There are 680 separate properties which have unpaid trash bills that Advance Disposal wishes to pursue through the property tax assessment process.

The fine totals are approximate as payments can be made through August 2, 2024, which will lower the total amount sent to the County as special assessments. Previous experience with enforcement costs indicates that as much as one-half of these fees may be collected prior to filing with San Bernardino County. Staff invoiced all the property owners (in addition to monthly invoices during the year) during July 2024, which allows owners to pay the abatement and administrative costs directly to the City, avoiding placement on the property tax rolls. Any remaining parcels are included in the resolution for collection by the County Auditor Controller-Recorder. Any fees paid prior to submittal to the County in August will be removed from the exhibit.

CITY GOAL SUPPORTED BY THIS ITEM

Financial Health – Maintain a balanced budget and adequate reserves.

FISCAL IMPACT

Collection of all the unpaid abatement, and administrative costs could result in General Fund revenue of \$1,168,629. It will also result in payment to the City in the amount of \$31,960 from Advance Disposal as reimbursement to the City for staff time, the cost of placing and removing the liens, and administrative costs associated with the special assessment process. Staff anticipates that approximately 40% will be collected during the next 12 months, with the remaining amount outstanding being carried over to the subsequent year's tax roll.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Joint Resolution No. 2024-32 and Resolution No. HWD 2024-12
2. Joint Resolution No. 2024-33 and Resolution No. HWD 2024-13
3. Exhibit A – Table of Enforcement and Abatement Delinquent Costs
4. Exhibit B – Table of Enforcement and Abatement Costs with Owner Information