

City of Hesperia

STAFF REPORT



DATE: July 17, 2018

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Assistant City Manager
Tina Bulgarelli, Administrative Analyst

SUBJECT: Special Assessment of Enforcement and Abatement Costs

RECOMMENDED ACTION

It is recommended that the City Council approve Resolution No. 2018-44, confirming parcels of land upon which unpaid fees for services, and enforcement and abatement costs remain, and Resolution No. 2018-45, requesting that San Bernardino County place the unpaid fees for services, and enforcement 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 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 enforcement and abatement cost for public nuisance violations that are unpaid at the end of the year. Enforcement and 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. On October 17, 2017, the City Council adopted Resolution No. 2017-50, amending the administrative fine schedule. On January 16, 2018, the City Council adopted Resolution No. 2018-04 amending the 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 71 separate properties which have accumulated Code Enforcement fines, abatement costs and administrative fees, for an approximate total of \$321,753. In addition, there are 60 separate properties which have accumulated Animal Control fines, impound fees, and administrative fines, for an approximate total of \$80,147. This year the City will also assess 13

separate properties, which have accumulated fines through Building and Safety, for an approximate total of \$13,207.

Additionally, the City provides assistance to Advance Disposal to assess unpaid trash bills through the special assessment process. There are 659 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 7th, 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 of the property owners during June 2018 and again during July 2018, which allows in excess of 30 days for 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.

FISCAL IMPACT

Collection of all of the unpaid enforcement, abatement, and administrative costs could result in General Fund revenue of \$415,107. It will also result in payment to the City in the amount of \$30,973 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. Resolution No. 2018-044
2. Resolution No. 2018-045
3. Exhibit "A" – Table of Enforcement and Abatement Delinquent Costs
4. Exhibit "B" – Table of Enforcement and Abatement Costs with Owner Information