

Council/Agency Meeting Held: _____	City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 4/16/07	Department ID Number: CA-07-10

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Jennifer McGrath, City Attorney

PREPARED BY: Jennifer McGrath, City Attorney

SUBJECT: Approve Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations – Administrative Hearing

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: Should the City record notice of special assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance #3397 adopted by City Council on June 15, 1998?

Funding Source: No funds are required

Recommended Action: Motion to adopt resolution no. 2007-26 entitled "A Resolution of the City Council of the City of Huntington Beach certifying Special Assessments for Collection of Delinquent Civil Fines for Municipal Code Violations."

Alternative Action(s): Do not adopt Resolution No. 2007-26.

Analysis: In June 1998, City Council adopted Huntington Beach Municipal Code Chapter 1.18, authorizing the issuance of administrative citations that impose civil fines for violation of the Municipal Code of the City of Huntington Beach. Pursuant to section 1.18.150 of the Municipal Code, the City may certify certain fines, interest, and penalties as delinquent and have them collected as special assessments against the real property involved. Assessments are limited to property related violations wherein the fines exceed \$250.00 cumulatively and are sixty days past due. In addition, all hearing or appeal rights of the cited persons have been exhausted.

At this time, certain administrative citations have been issued on the following property for housing, building, zoning, nuisance and/or health and safety violations:

D-2

REQUEST FOR ACTION

MEETING DATE: 4/16/07

DEPARTMENT ID NUMBER:CA-07-10

Michael Pust	5451 Bankton Drive	Housing Code Violations
Kasovic Family Corp.	8082 Adams	Housing Code Violations
Joe Kissel	207 Nashville	Housing Code Violations
Medina Property, LLC	15317 Pipeline	Housing Code Violations
Jaffa Investments, LTD	18582 Beach Blvd	Housing Code Violations
CKR Resource & Devel.	5375 Industrial	Housing Code Violations
Crown Investments	5482 Oceanus Dr.	Housing Code Violations
Janet Montanye	19142 Brookhurst	Housing Code Violations
Brookshire LLC/Arvind Pal	17941 Brookshire	Housing Code Violations
Bryan Heavey Carol Heavey	19512 Summer Breeze	Housing Code Violations
George Galanoudes	2200-2222 Delaware Street	Fire Code, Nuisance Code and Housing Code Violations
Chris Latin	15301 Yorkshire Lane	Planning Code Violations
Jesse Fortney	705 Alabama Street	Housing Code Violations
Kelly Williams	20982 Crestview Lane	Nuisance Code and Planning Code
James Bishay	18792 Delaware Street	Fire Code Violations

The civil fines identified on Exhibit A to this Resolution have not been paid. The fine amounts would be levied against the properties, non-payment of which would incur penalties and would appear as an exception to the title on a title report at the time of transfer of the property. In addition, the fines will be reported to the County Tax Assessor for inclusion on the property tax bills.

Although not required by Chapter 1.18, all the property owners identified above received preliminary written notice from the City Attorney's Office regarding the intention to file a lien on the property for non-payment of civil citation(s).

An administrative hearing is required by the Huntington Beach Municipal Code Chapter 1.18. Only property owners are entitled to speak at the administrative hearing. All other interested parties may speak at the regular public comment portion of the meeting.

D2. 2

REQUEST FOR ACTION

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Environmental Status: N/A

Attachment(s):

City Clerk's Page Number	No.	Description
4	1.	Resolution No. <u>2007-26</u> entitled "A Resolution of the City Council of the City of Huntington Beach certifying Special Assessments for Collection Delinquent Civil Fines for Municipal Code Violations."

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ATTACHMENT #1

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A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH CERTIFYING
SPECIAL ASSESSMENTS FOR COLLECTING DELINQUENT
CIVIL FINES FOR MUNICIPAL CODE VIOLATIONS

WHEREAS, the City Council has adopted Huntington Beach Municipal Code 1.18 which authorizes the issuance of administrative citations that impose civil fines upon persons who violate the Municipal Code of the City of Huntington Beach; and

WHEREAS, certain administrative 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, section 1.18.150 of the Municipal Code provides that certain delinquent fines, interest and penalties may be collected as part of the nuisance abatement procedures authorized by Government Code section 38773.5; 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 Huntington Beach as follows:

1. The City Council held an administrative public hearing on April 16, 2007, 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 Exhibit A, which is attached and incorporated herein by this reference, are hereby certified as being delinquent civil fines, interest and penalties owing to the City of Huntington Beach and qualified for collection as special assessments under section 1.18.150C.
3. The City Council as part of the City's nuisance abatement program orders that these delinquent fines, interest and penalties are to be collected as special assessments against the respective properties shown on Exhibit A pursuant to the provisions of Municipal Code section 1.18.150 and 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 by the City Council of the City of Huntington Beach at a regular meeting held thereof on the _____ day of _____, 2007.

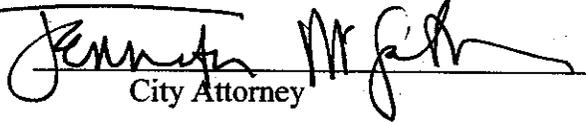
Mayor

REVIEWED AND APPROVED



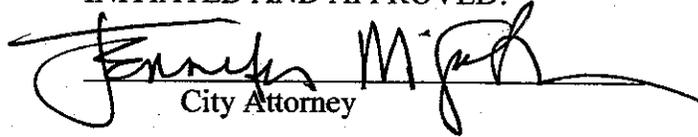
City Administrator

APPROVED AS TO FORM:



City Attorney

INITIATED AND APPROVED:



City Attorney

EXHIBIT A

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CERTIFICATION OF SPECIAL ASSESSMENTS OWING TO THE CITY OF HUNTINGTON BEACH
FOR TRANSMISSION TO COUNTY TAX COLLECTOR
4/16/07

OWNER	Violation Date(s) / Fines / Total	Property Address	APN	Code Violations
Michael Pust	1/24/06 \$250	5451 Bankton Drive	163-262-09	HBMC 17.02.030; UAC 301.1
	3/13/06 \$500			
	5/5/06 \$1,000			
	Total \$2,054.81 (including late fees and charges)			
Joe Kissel	5/10/06 \$250	207 Nashville	025-043-11	HBMC 17.02.030; UAC 301.1
	Total \$300.98 (including late fees and charges)			
Medina Property, LLC	9/25/05 \$250	15317 Pipeline	316-863 14553706	HBMC 17.02.055; UAC 309.1
	10/25/05 \$250			
	10/26/05 \$250			
	Total \$1,499.51 (including late fees and charges)			
Jaffa Investments, LTD	8/16/06 \$250	18582 Beach Blvd	157-471-06	HBMC 17.02.030; UAC 301.1
	Total \$287.75 (including late fees and charges)			
CKR Resource & Devel.	4/4/06 \$250	5375 Industrial	145-511-01	HBMC 17.02.055; UAC 309.1
	4/4/06 \$500			
	8/14/06 \$500			
	8/14/06 \$1,000			
	Total \$2,578.70 (including late fees and charges)			

OWNER	Violation Date(s) / Fines/Total	Property Address	APN	Code Violations
Crown Investments	8/28/06 \$250	5482 Oceanus Dr.	145-016-04	HBMC 17.02.030; UAC 301.1
	Total \$271.35 (including late fees and charges)			
Janet Montanye	6/18/05 \$250	19142 Brookhurst	155-281-23	HBMC 17.02.030; UAC 301.1
	Total 294.18 (including late fees and charges)			
Bryan Heavey Carol Heavey	5/31/06 \$250	19512 Summer Breeze	023-202-24	HBMC 17.02.030; UAC 301.1
	Total \$291.81 (including late fees and charges)			
George Galanoudes	8/30/06 \$250 (Fire Code)	2200-2222 Delaware Street	025-121-50	HBMC 17.56; HBFC 901.4.2
	3/30/06 \$3,250 (Nuisance Code)			
	6/15/06 \$1,500 (Nuisance Code)			
	7/13/06 \$3,000 (Nuisance Code)			
	8/12/06 \$3,000 (Nuisance Code)			
Total \$15,567.72 (including late fees and charges)				
Chris Latin	620/07 \$500	15301 Yorkshire Lane	438-388 14513305	HBZSO 230.12
	Total \$552.87 (including late fees and charges)			

OWNER	Violation Date(s) / Fines / Total	Property Address	APN	Code Violations
Jesse Fortney	8/8/06 \$500 Total \$537.29 (including late fees and charges)	705 Alabama Street	024-186-09	HBMC 17.02.030
Kelly Williams	2/6/06 \$1,750 3/28/06 \$3,500 Total \$6,294.47 (including late fees and charges)	20982 Crestview Lane	151-446-11	HBMC 17.10.050; ZSO 230.08
James Bishay	12/29/06 \$4000.00 1/5/07 \$4000.00 1/12/07 \$4000.00 1/19/07 \$4000.00 1/31/07 \$4000.00 2/6/07 \$4000.00 2/13/07 \$4000.00 Total \$28,748.25 (including late fees and charges)	18792 Delaware Street		HBMC §17.56; HBFC (CFC) §1001.5.3.1

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