

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:                      6/20/2005	Department ID Number:                      fine 06

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

**SUBMITTED TO:** HONORABLE MAYOR CITY COUNCIL MEMBERS

**SUBMITTED BY:** JENNIFER MCGRATH, City Attorney  
SHARI FREIDENRICH, City Treasurer

**PREPARED BY:** JENNIFER MCGRATH, City Attorney

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

RECEIVED  
 CITY CLERK  
 CITY OF  
 HUNTINGTON BEACH, CA  
 2005 JUN -2 P 4:04

*Res. No. 2005-41*

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:** None

**Recommended Action:** Adopt resolution no. 2005-41 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. 2005-41.

**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 building, construction, zoning and/or health and safety violations:

*D-3*

# REQUEST FOR ACTION

MEETING DATE: 6/20/2005

DEPARTMENT ID NUMBER: fine 06

James Bachelier	6701 Walton	Housing / Swimming Pool Code violations
Debi Barr	7582 Nancy	Housing Code violations
Mark Chavez	9102 Browning	Nuisance Code violations
Kenneth Erickson	17892 Quintana	Nuisance / Housing Code violations
Carol File	19432 Bluegill	Nuisance Code violations
Mary Lee	2202 Hess Circle	Building / Housing / Plumbing Code violations
Charles Lombardo	17142 Gothard	Nuisance Code violations
Michael McGaughey	1815 Alsuna Lane	Nuisance Code violations
Jay Photoglou	9392 Portsmouth Drive	Zoning / Health Code violations
Steven C. Perez	20631 Suburbia Lane	Nuisance / Zoning Code violations
Ron Troxel	19801 Estate Circle	Building Code violations
Abel Zeidan	126 Main Street #300	Zoning Code violations

The civil fines have not been paid. These citations are identified on Exhibit A to the Resolution and total \$25,489.87. 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 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.

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.

**Environmental Status:** N/A

**Attachment(s):**

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# REQUEST FOR ACTION

MEETING DATE: 6/20/2005

DEPARTMENT ID NUMBER: fine 06

City Clerk's Page Number	No.	Description
4	1.	Resolution No. <u>2005-41</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 NO. 1**

RESOLUTION NO. 2005-41

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 June 20, 2005, 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.

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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 \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor

REVIEWED AND APPROVED

*Renee G. Cullum*  
City Administrator

APPROVED AS TO FORM:

*Jennifer M'Gath*  
City Attorney 5/23/05

INITIATED AND APPROVED:

*Jennifer M'Gath*  
City Attorney 5/23/05

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**EXHIBIT A**

CERTIFICATION OF SPECIAL ASSESSMENTS  
 OWING TO THE CITY OF HUNTINGTON BEACH  
 FOR TRANSMISSION TO COUNTY TAX COLLECTOR

DIW.08

Violation Date	Assessment Amount	Owner	APN	Property Address	Code Violation(s)
7/23/04	\$250	James/Betsy Bachelier	146-361-37	6701 Walton	HBMC 17.08.020.8
7/23/04	\$250	James/Betsy Bachelier	146-361-37	6701 Walton	HBMC 17.46.050(a) 8
		James/Betsy Bachelier	146-361-37	6701 Walton	late fees and charges-TTL \$596.55
1/14/04	\$250	Debi L. Barr	142-284-04	7582 Nancy	HBMC 17.08.020 UHC 1001.8
		Debi L. Barr	142-284-04	7582 Nancy	late fees and charges-TTL \$334.53
7/19/04	\$250	Mark Chavez	151-043-11	9102 Browning Dr.	HBMC 17.10.050(u)
7/19/04	\$250	Mark Chavez	151-043-11	9102 Browning Dr.	HBMC 17.10.050(z)
7/19/04	\$250	Mark Chavez	151-043-11	9102 Browning Dr.	HBMC 8.48.180
		Mark Chavez	151-043-11	9102 Browning Dr.	late fees and charges-TTL \$885.42
5/7/04	\$250	Audra/Kenneth Erickson	165-354-08	17892 Quintana	17.10.050(l)
9/16/04	\$250	Audra/Kenneth Erickson	165-354-08	17892 Quintana	17.10.050(m)
9/16/04	\$250	Audra/Kenneth Erickson	165-354-08	17892 Quintana	17.08.020
		Audra/Kenneth Erickson	165-354-08	17892 Quintana	late fees and charges-TTL \$901.88
4/15/04	\$250	Carol File	153-393-28	19432 Bluegill	HBMC 8.36.010
4/15/04	\$250	Carol File	153-393-28	19432 Bluegill	HBMC 17.10.050(l)
4/15/04	\$250	Carol File	153-393-28	19432 Bluegill	HBMC 17.10.050(p)
		Carol File	153-393-28	19432 Bluegill	late fees and charges- TTL \$921.45
7/1/03	\$500	Mary Lee	025-121-26	2202 Hess Circle	Construction w/o bldg. permit
10/22/04	\$1,000	Mary Lee	025-121-26	2202 Hess Circle	Construction w/o bldg. permit
	\$1,000	Mary Lee	025-121-26	2202 Hess Circle	Improper Occupancy
	\$1,000	Mary Lee	025-121-26	2202 Hess Circle	Hazardous Electrical
	\$1,000	Mary Lee	025-121-26	2202 Hess Circle	Hazardous Plumbing/Mechanical
		Mary Lee	025-121-26	2202 Hess Circle	late fees and charges- TTL \$5135.04
6/29/04	\$250	Charles Lombardo	111-024-21	17142 Gothard	HBMC 17.10.050(l)
6/29/04	\$250	Charles Lombardo	111-024-21	17142 Gothard	HBMC 17.10.050(m)
		Charles Lombardo	111-024-21	17142 Gothard	late fees and charges- TTL \$602.69

4/14/04	\$250	Michael McLaughney	025-132-79	1815 Alsuna	HBMC 17.10.050(l)
8/11/04	\$500	Michael McLaughney	025-132-79	1815 Alsuna	HBMC 17.10.050(l)
8/11/04	\$500	Michael McLaughney	025-132-79	1815 Alsuna	HBMC 17.10.050(m)
9/2/04	\$1,000	Michael McLaughney	025-132-79	1815 Alsuna	HBMC 17.10.050(l)
9/2/04	\$1,000	Michael McLaughney	025-132-79	1815 Alsuna	HBMC 17.10.050(m)
9/16/044	\$1,000	Michael McLaughney	025-132-79	1815 Alsuna	HBMC 17.10.050(l)
9/16/04	\$1,000	Michael McLaughney	025-132-79	1815 Alsuna	HBMC 17.10.050(m)
					late fees and charges -TTL \$ 6029.98
10/6/04	\$250	Steven C. Perez	155-223-02	20631 Suburbia	HBMC 17.10.050(p)
10/6/04	\$250	Steven C. Perez	155-223-02	20631 Suburbia	HBMC 8.20.060
10/6/04	\$250	Steven C. Perez	155-223-02	20631 Suburbia	HBZSO 231.04
					late fees and charges -TTL \$855.47
9/2/04	\$250	Jay Photoglou	153-324-12	9392 Portsmouth Dr.	HBMC 8.48.180
9/2/04	\$250	Jay Photoglou	153-324-12	9392 Portsmouth Dr.	HBMC 8.20.060
9/2/04	\$250	Jay Photoglou	153-324-12	9392 Portsmouth Dr.	HBZO 231.02
					late fees and charges- TTL \$868.36
8/3/04	\$250	Ron Troxel	023-571-03	19801 Veladare	HBMC 17.02.010
8/3/04	\$250	Ron Troxel	023-571-03	19801 Veladare	Expired permits
9/7/04	\$500	Ron Troxel	023-571-03	19801 Veladare	HBMC 17.020.010
9/7/04	\$500	Ron Troxel	023-571-03	19801 Veladare	Expired permits
					late fees and charges- TTL \$1741.89
3/17/04	\$250	Adel M. Zeidan	024-154-01	126 Main	HBZSO 211.06
3/17/04	\$250	Adel M. Zeidan	024-154-01	126 Main	HBZSO 232.04
4/26/05	\$500	Adel M. Zeidan	024-154-01	126 Main	HBZSO 211.06
4/26/05	\$500	Adel M. Zeidan	024-154-01	126 Main	HBZSO 232.04
5/12/04	\$1,000	Adel M. Zeidan	024-154-01	126 Main	HBZSO 211.06
5/12/04	\$1,000	Adel M. Zeidan	024-154-01	126 Main	HBZSO 232.04
5/25/04	\$1,000	Adel M. Zeidan	024-154-01	126 Main	HBZSO 211.06
5/25/05	\$1,000	Adel M. Zeidan	024-154-01	126 Main	HBZSO 232.04
					late fees and charges- TTL \$6616.61

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