

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: July 18, 2005	Department ID Number: CA-7-05

**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

2005 JUL -6 P
 HUNTINGTON BEACH CA
 CITY OF
 JENNIFER MCGRATH
 City Attorney
 Resolution Number 2005-44

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. 2005-44 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. 2005-44.

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:

REQUEST FOR ACTION

MEETING DATE: July 18, 2005

DEPARTMENT ID NUMBER:CA-7-05

James E. Coleman	17262 Beach Blvd.	Housing Code Violations
Michael Greenwood	17222 Gothard #A	Fire Code Violations
Power Group Associates	21592 Surveyor	Housing Code Violations
Christine Izumi	8222 Katherine Drive	Housing Code Violations
Hui-Ping-Caroline Tsai	7721 Amberleaf	Health & Safety Code Violations

The civil fines have not been paid. These citations are identified on Exhibit A to the Resolution and total \$2,548.55. 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):

City Clerk's Page Number	No.	Description
3	1.	Resolution No. <u>2005-44</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."

D-5.2

D-5.3

ATTACHMENT NO. 1

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 July 18, 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.

D-5.4

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

Lenezyi Cullinan
City Administrator

APPROVED AS TO FORM:

Jennifer McGeath
City Attorney *KE 6/22/05*

INITIATED AND APPROVED:

Jennifer McGeath
City Attorney *KE 6/22/05*

D-5.5

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EXHIBIT A

D-5.6

D-57

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

Violation Date	Assessment Amount	Owner	APN	Property Address	Code Violation(s)
1/12/04	\$250	James E. Coleman	167-311-02	17262 Beach Blvd.	HBMC 17.02.010; 17.02.030; 17.02.055
		James E. Coleman	146-361-37	17262 Beach Blvd.	late fees and charges-TTL \$337.45
5/31/04	\$250	Michael Greenwood	111-02-315	17222 Gothard #A	HBFC 103.4.3.1
6/14/04	\$500	Michael Greenwood	111-02-315	17222 Gothard #A	HBFC 103.4.3.1
		Michael Greenwood	111-02-315	17222 Gothard #A	late fees and charges-TTL \$933.94
10/11/94	\$250	Power Group Associates	148-121-25	21592 Surveyor	HBMC 17.02.030; 17.02.055
		Power Group Associates	148-121-25	21592 Surveyor	late fees and charges-TTL \$302.30
8/19/04	\$250	Christine Izumi	157-402-21	8222 Katherine Drive	17.02.010
		Christine Izumi	157-402-21	8222 Katherine Drive	late fees and charges-TTL \$309.20
11/24/03	\$500	Hui-Ping-Caroline Tsai	159-131-07	7721 Amberleaf	HBMC 8.36.010
		Hui-Ping-Caroline Tsai	159-131-07	7721 Amberleaf	late fees and charges-TTL \$665.66