



## **CITY OF SALINAS COUNCIL STAFF REPORT**

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**DATE:** MAY 16, 2017

**DEPARTMENT:** COMMUNITY DEVELOPMENT

**FROM:** MEGAN HUNTER, DIRECTOR

**THROUGH:** LORENZO SANCHEZ, SR CODE ENFORCEMENT OFFICER  
SAMUEL KLEMEK, BATTALION CHIEF/FIRE MARSHAL

**BY:** TERESA KISTLER, REVENUE OFFICER

**TITLE:** 2017 SPECIAL ASSESSMENT FOR COLLECTION OF UNPAID  
CHARGES FROM PROPERTY OWNERS

### RECOMMENDED MOTION:

A motion to approve the attached Resolution approving the 2017 Special Assessment.

### RECOMMENDATION:

Hold a public hearing on the 2017 Special Assessment and approve a Resolution to collect the unpaid charges from the property owners.

### EXECUTIVE SUMMARY:

The attached Resolution confirms unpaid nuisance abatement charges and administrative costs and penalties incurred by the City of Salinas from calendar years 2015 to 2016. If the Resolution is approved, the Finance Director would be authorized to collect the unpaid charges of \$73,378.35 from the property owners in the same manner as ordinary municipal taxes. These charges are a result of non-compliant owners of severely blighted properties and/or unsafe buildings. In a few cases, the City had to board up buildings in order to protect the community.

### BACKGROUND:

In 2013, the City Council approved adoption of Section 1-49, now re-codified as 1-05.39, of the Salinas Municipal Code, which authorizes the City to impose a special assessment against real property where fines and fees remain outstanding. Section 1-05.39 allows for recovery by special assessment against the subject property when the amount of any nuisance abatement charge, administrative penalty, administrative cost, or other debt imposed by the city in connection with real property has not been satisfied in full within ninety days and/or has not been challenged by a timely writ of mandate.

## DISCUSSION:

Pursuant to the requirements as outlined in the ordinance, property owners are provided with adequate notice before their properties are assessed, including multiple invoices advising them of the total amount due and consequences for failing to pay. A letter was mailed to all affected property owners ten days in advance of this City Council meeting advising owners that the Resolution was pending before Council. Exhibit A lists the properties to be assessed, as well as the amounts owed. This list includes unpaid charges from Code Enforcement, Fire Prevention and Risk Management divisions. Property owners have the option at any time to pay the charges in full and thereby avoid the special assessment. However, after multiple attempts to collect these charges, the City now has the alternative provided by the Municipal Code to secure payments through the special assessment.

As the City has expanded code enforcement and focused our resources on cleaning up the most egregious properties, collection of this special assessment has increased from approximately \$15,000 last year to \$73,378.35 this year. Through the diligence of Code Enforcement and Fire Prevention Staff, the City has ultimately been able to use this tool to induce owners to fix their properties and clear the cases. The resulting fines are necessary to recoup administrative and board up costs and to deter owners from allowing properties to fall into disrepair or a blighted condition again.

## CEQA CONSIDERATION:

**Not a Project.** The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or foreseeable indirect physical change on or in the environment, this matter is not a project.

## STRATEGIC PLAN INITIATIVE:

Approval of the proposed Resolution supports the City Council's goal of a Safe, Livable Community by ensuring penalties are imposed on non-compliant blighted or unsafe properties in order to compel compliance. It also furthers the goal of Effective, Sustainable Government through the collection of debt imposed by the City in connection with real property.

## FISCAL AND SUSTAINABILITY IMPACT:

Upon approval of the Resolution, the Finance Director will provide notice to the tax collector that the special assessment of the unpaid balance should be imposed against each of the subject properties at the same time and in the same manner as ordinary municipal taxes. Adoption of the

Resolution in a timely manner is essential to direct the Finance Director to assess the subject properties in July of each fiscal year, and reimbursement will close these cases in their entirety.

ATTACHMENTS:

Resolution

Exhibit A – Special Assessment Charges for 2017

Sample Notice to Property Owners of Council Meeting