

RESOLUTION NO. 2016-105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AUTHORIZING AN ASSESSMENT OF \$1,000.00 TO BE LEVIED AGAINST ASSESSORS PARCEL NUMBER (APN) 032121018000, NOT IN COMPLIANCE WITH "NOTICE TO ABATE" AND DIRECT THE CITY CLERK FILING OF LEVY WITH MONTEREY COUNTY ASSESSOR'S OFFICE PRIOR TO AUGUST 1, 2016.

WHEREAS, at the regular meeting of May 3, 2016, the City Council approved Resolution No. 2016-60 declaring weeds growing or accumulation of rubbish or refuse, upon specified parcels on private property to be public nuisances, and approving a "Notice to Abate Same", and;

WHEREAS, during the period of May 5-13, 2016, the City's Fire Department re-inspected the properties on the non-compliance list, and;

WHEREAS, a second notice was mailed by the Fire Department via first class regular mail to twenty-one (21) property owners still out of compliance on June 1, 2016, and;

WHEREAS, the City's Fire Department conducted the third inspection during the week of May 25, 2016, and mailed certified registered letters to the three (3) affected property owners on June 1, 2016, as of June 26, 2016, one registered letter was signed noting receipt of notification, two were not returned, and;

WHEREAS, the City Council held a public hearing on June 21, 2016, to allow the affected property owners the opportunity to voice their objections to abate the weeds and be given due consideration by the City Council, and;

WHEREAS, the Fire Department conducted the fourth (4th) inspection during the week of June 13, 2016 to confirm that all private parcels have cleared weeds growing or accumulation of rubbish or refuse, and;

WHEREAS, after the fourth (4th) and final inspection during the week of June 13, 2016 one (1) privately-owned parcel still needed to comply with the abatement requirements and;

WHEREAS, pursuant to California Government Code sections 39560-39588 et seq; a Public Hearing Notice to authorize the assessment of fees, charges and legal cost incurred to abate was posted and mailed certified, to the property owner of APN# 032121018000 on Friday, June 24, 2016 and brought to the City Council at the regularly scheduled meeting of Wednesday July 6, 2016, at 6:30 P.M., and;

WHEREAS, the City is required to submit a resolution certifying assessment of abatement costs and forwarded to the Monterey County Assessors Office before August 1, 2016, to levy against the property.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina hereby:

1. Authorize assessment of abatement costs of \$1,000.00 to be levied against Assessor's Parcel Number (APN) 032121018000 not in compliance with "Notice to Abate", and;
2. Direct the filing of such levy with Monterey County Assessor's office prior to August 1, 2016.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 19th day of July 2016, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Brown, Morton, O'Connell, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

ATTEST:

Bruce C. Delgado, Mayor

Anita Sharp, Deputy City Clerk

RESOLUTION NO. 2016-106
A RESOLUTION OF THE CITY OF MARINA CERTIFYING
COMPLIANCE WITH STATE LAW WITH RESPECT TO
LEVYING OF SPECIAL ASSESSMENTS FOR FISCAL YEAR 2016-2017

WHEREAS, The City of Marina requests that the Monterey County Auditor-Controller enter the special tax identified in Exhibit "A" on the property tax roll for collection and distribution by the Monterey County Treasurer-Tax Collector commencing with the property tax bills for fiscal year 2016-2017 ("EXHIBIT A").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina as follows:

1. The City hereby certifies that it has, without limitation, complied with all legal procedures and requirements necessary for the levying and imposition of the special taxes identified in **EXHIBIT A** regardless of whether those procedures and requirements are set forth in the Constitution of the State of California, in State statutes, or in the applicable decisional law of the State of California.

2. The City further certifies that, except for the sole negligence or misconduct of the County of Monterey, its officers, employees and agents, the City shall be solely liable and responsible for defending, at its sole expense, cost and risk, each and every action, suit or other proceeding brought against the County of Monterey, its officers, employees and agents for every claim, demand or challenge to the levying or imposition of the special tax identified in **EXHIBIT A** and that the City shall pay or satisfy any judgment rendered against the County of Monterey, its officers, employees and agents on every such action, suit, or other proceeding, including all claims for refunds and interest thereon, legal fees, court costs and administrative expenses of the County of Monterey to correct the tax rolls.

PASSED AND ADOPTED by the City of Marina City Council at a regular meeting duly held on the 19th day of July 2016, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A

**ATTACHMENT TO RESOLUTION NO. 2016-106 OF THE CITY OF MARINA, COUNTY
OF MONTEREY, CALIFORNIA, CERTIFYING COMPLIANCE WITH STATE LAW
WITH RESPECT TO THE LEVYING OF SPECIAL ASSESSMENTS FOR
FISCAL YEAR 2016-2017**

PER-PARCEL ASSESSMENTS:

Weed abatement costs:

PARCEL NUMBER (APN) 032121018000

\$1,000

July 13, 2016

Item No. **8f(2)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of July 19, 2016

**THE CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016-.
AUTHORIZING AN ASSESSMENT OF \$1,000.00 TO BE LEVIED
AGAINST ASSESSORS PARCEL NUMBER (APN) 032-121-018-000, NOT
IN COMPLIANCE WITH “NOTICE TO ABATE” AND DIRECT THE
CITY CLERK FILING OF THE LEVY WITH MONTEREY COUNTY
ASSESSOR’S OFFICE PRIOR TO AUGUST 1, 2016; AND CITY
COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2016-. A
RESOLUTION OF THE CITY OF MARINA CERTIFYING COMPLIANCE
WITH STATE LAW WITH RESPECT TO LEVYING OF SPECIAL
ASSESSMENTS FOR FISCAL YEAR 2016-2017.**

RECOMMENDATION:

It is requested that the City Council:

1. Consider adopting Resolution No. 2016-, authorizing an assessment of \$1,000.00 costs to be levied against Assessor’s Parcel Number 032121018000, not in compliance with “Notice to Abate”, and Direct the City Clerk to file levy with Monterey County Assessor’s office prior to August 1, 2016;
2. Consider adopting Resolution No. 2016- certifying compliance with state law with respect to levying of special assessments for Fiscal Year 2016-2016.

BACKGROUND:

At the regular meeting of May 3, 2016, the City Council adopted Resolution No. 2016-60, declaring weeds growing or accumulation of rubbish or refuse, upon specified parcels on private property to be public nuisances, and approving a “Notice to Abate” such nuisances.

During the period of May 5 through May 13, 2016, the Fire Department re-inspected the properties on the non-compliance list.

A second notice was mailed by the Fire Department via first class regular mail to twenty-one (21) property owners still out of compliance on May 16, 2016.

The Fire Department conducted the third inspection during the week of May 25, 2016 and mailed three (3) certified registered letters to the affected property owners on June 1, 2016. As of June 26, 2016, one (1) registered letter was signed for noting receipt of notification and two (2) were not returned.

The Fire Department conducted the fourth inspection during the week of June 20, 2016, to confirm that all private parcels have cleared weeds growing or accumulation of rubbish or refuse.

At a Public Hearing held during the regularly scheduled July 6th City Council Meeting, a resolution was approved authorizing up to \$1,000.00 to abate the weeds at APN# 032121018000, 355 Reservation Road.

On July 7th, Marina City Public Works completed the work to abate the property. The cost to the City of Marina to complete this work was a \$1,000.00.

ANALYSIS:

The City is required to adopt a resolution with the exact amount to be levied against the property. The first resolution has the exact amount to be levied. The work was performed by Public works at a cost of \$1,000.00.

The City is required to submit a resolution for adoption confirming any abatement costs to be forwarded to the Monterey County Assessors Office before August 1, 2016, to levy cost to property owner.

FISCAL IMPACT:

The cost to the City Public Works Department was a \$1,000.00 to clear the lot of weeds and debris. This cost will be assessed against the parcel and recovered by the City through the 2016-17 property tax collection.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Doug McCoun
Fire Chief
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina