



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 22 2008
TO: Mayor and Councilmembers
FROM: Building Division, Community Development Department
SUBJECT: Administrative Citation Program Update And Unpaid Fines Certification

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Amounts of Liens/Special Assessments Sought to be Collected from Property Owners for Unpaid Administrative Fines.

DISCUSSION:

Background

On July 13, 1999, City Council adopted the Administrative Citation Ordinance (Ordinance No. 5113 establishing Chapter 1.25 of the Municipal Code), which is used to impose and collect civil administrative fines for Municipal Code violations. On April 1, 2003, City Council adopted Ordinance No. 5272 amending Chapter 1.25 of the Municipal Code.

The Administrative Citation Program has continued to be an effective tool in gaining compliance with City regulations relating to unpermitted construction, substandard housing, illegal dwelling units, outdoor dining violations, signage violations, outdoor merchandising, illegal wastewater disposal, garbage service violations, and stormwater and illegal discharges.

In June 2006 the City of Santa Barbara was told by the County Assessor's office that they would no longer be participating in the Property Assessment Lien Program. The County no longer adds the City's unpaid administrative citations to property tax billing to be collected by the County. This change in events has led to a change in our process to pursue these outstanding fines. The City Attorney's office now files a nuisance abatement lien against the property for significant outstanding fines. Lesser outstanding fines are to be sent to a collection agency.

The Building Department proposes to have all delinquent fines of 60 days or more certified by the City Council every quarter. Staff finds that the previous schedule of certifying the list once a year allowed the sale of the property to occur without a lien in place to ensure the City's collection of fines.

Since the last list of outstanding citations was certified by the City Council on August 1, 2006, 17 cases have fines that have not been paid to the City Finance Department and are at least 60 days overdue. Of the 17 cases with fines that are at least 60 days overdue, 13 were generated by the Building and Safety Division and 4 were generated by the Planning Division. The total amount due for all unpaid fines is \$82,100, which is to be credited to the appropriate administrative citation revenue accounts.

Staff recommends that the City Council adopt the Resolution certifying these unpaid administrative fines for collection by a lien/special assessment on the offending property.

Although the fines may be paid, it still does not excuse the responsible party from correcting the code violations. Of the 17 enforcement cases with fines that are at least 60 days delinquent, 5 have been closed or abated. The Community Development Department and the Public Works Department will continue to pursue the abatement of the enforcement cases that have not yet been abated.

The property owners have received notice in accordance with Santa Barbara Municipal Code Section 1.25.060 and have been provided full opportunity to pay their fines. The list of properties with delinquent fines is an Exhibit to the attached Resolution and was prepared on March 10, 2008. Staff expects that some of the property owners on the list will pay their fines before the April 22, 2008, Council meeting. The final list of delinquent property owners will be prepared on April 21, 2008, and submitted to the City Clerk's Office prior to that office confirming the Resolution.

Once the City Council adopts the Resolution, and it is conformed by the City Clerk's Office, staff will take appropriate steps to recover the unpaid administrative citations by either filing a nuisance abatement lien on each property or utilizing a collection agency.

PREPARED BY: Lauren Nocis, Code Enforcement Coordinator

SUBMITTED BY: Dave Gustafson, Community Development Director

APPROVED BY: City Administrator's Office