



**Council Meeting: July 17, 2012**

**SUBJECT: Public Hearing to Cause Charges for Non-Payment of Administrative Citations and Nuisance Abatements to be Placed on the FY 2012/2013 County of Santa Clara Property Tax Roll**

**BACKGROUND**

The City of Sunnyvale Municipal Code Chapter 1.05 allows enforcement of code violations through the issuance of administrative citations. These citations are an important tool in facilitating cooperation from property owners regarding uncorrected code violations. Citations are only issued after repeated attempts at voluntary compliance have failed. Most violations are corrected after the first warning. However, some property owners fail to correct the violation and are consequently issued administrative citations. The collection rate on administrative citations has been low because many property owners dispute the collection agency notices, which limits the action the collection agency can take.

At the July 20, 2010 Council meeting, Council adopted Ordinance No. 2923-10 to authorize the placement of unpaid administrative citations on the County of Santa Clara Property Tax Roll (RTC #10-190). This ordinance went into effect on August 26, 2010; unpaid administrative citations issued prior to this date were ineligible. This is the second submission of delinquent administrative citations to be placed on the County Property Tax Roll.

The City of Sunnyvale Municipal Code Chapter 9.26 allows the City to abate nuisance properties in order to promote the health, safety and general welfare of the public. If a property is abated by the City, the property owner is issued a bill to reimburse the City for its costs. A property is only abated by the City after repeated attempts to obtain voluntary compliance have been made with the property owner. The last time a property was abated and the debt placed on the tax roll by the City was several years ago.

**EXISTING POLICY**

The City of Sunnyvale Municipal Code Section 1.05.110 allows the City to cause delinquent charges for administrative citations to be collected on the property tax roll together with general taxes.

Pursuant to Section 9.26.070 of the Sunnyvale Municipal Code, a civil debt owed to the City for nuisance abatement costs may be placed on the property tax roll after a report and hearing.

**DISCUSSION**

Each administrative citation results in the Department of Finance issuing three written notices to the property owner: a bill, an interest invoice and statement, and a final demand letter notifying the recipient that failure to pay may result in legal action. Prior to the adoption of Ordinance No. 2923-10, the only recourse the City had for customers who failed to pay their citations after receiving a final demand letter was to refer the account to a collection agency. This ordinance provides the additional option of placing delinquent accounts on the County Property Tax Roll.

The property owners listed in Exhibit A of Attachment A are a minimum of 90 days delinquent in paying the administrative citation fines. Repeated attempts to collect the delinquent funds through the billing and notification process have been unsuccessful. Additionally, these customers were notified of this public hearing.

Each property abated by the City of Sunnyvale also results in the Department of Finance issuing three written notices to the property owner. The property owner listed in Exhibit A of Attachment B is also more than 90 days delinquent in reimbursing the City for costs the City incurred to abate the properties. Repeated attempts to collect the delinquent funds have been unsuccessful. This property owner was also notified of this public hearing.

The City is likely to experience a high collection rate by placing these delinquent accounts on the property tax roll. It provides the added security that, should a property owner not pay the balance on their property tax bill, a tax lien will be placed on the property. Therefore, staff recommends that Council place an assessment on the property tax roll for the delinquent charges as identified in Attachment A and Attachment B.

As previously mentioned, notice of tonight's public meeting has been sent to all affected property owners. Council should expect that some people may make an attempt to have their cases heard at the public hearing in an effort to get the balance owed to the City reduced or eliminated before they are placed on the property tax roll. It is important to note that the appeal period for rescinding any balances has already passed. Therefore, Council approval can go forward to place these debts on the property tax roll since the appeal period has long since expired.

Any property owners wishing to pay at tonight's Council meeting may pay the amount due under the "Balance at Meeting" column on Exhibit A to Attachment A (for Administrative Citations) and Exhibit A to Attachment B (for Nuisance Abatements). If the amount due is not paid tonight, the amount in the "Balance for Tax Roll" column will be placed on the property tax roll, if approved by Council. This amount includes the original amount due, penalties to November 1, 2012 (the due date of the first installment of property taxes), and the County's administrative fee of 1%.

### **FISCAL IMPACT**

If approved, staff will forward the assessment including the late payment penalty and administrative charge of 1% to the County of Santa Clara for collection on the FY 2012/2013 Property Tax Roll. The total assessment for administrative citations equals \$45,764.10. The total assessment for nuisance abatements equals \$6,848.63.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site. Notification of this hearing was also sent directly to the owner of each of the affected properties.

**ALTERNATIVES**

1. Adopt the attached resolutions causing charges for non-payment of administrative citations and nuisance abatements to be placed on the FY 2012/2013 County Property Tax Roll.
2. Do not adopt the resolutions. Attempt to collect the delinquent funds through other means.

**RECOMMENDATION**

Staff recommends Alternative 1, to adopt the attached resolutions causing charges for non-payment of administrative citations and nuisance abatements to be placed on the FY 2012/2013 County Property Tax Roll.

Reviewed by:

Grace K. Leung, Director of Finance  
Prepared by: Therese Balbo, Treasury Manager

Approved by:

Gary M. Luebbbers  
City Manager

**Attachments**

- A. Proposed Resolution to place unpaid administrative citations on the County of Santa Clara Property Tax Roll
  - Exhibit A: Summary of Administrative Citations Eligible for Placement on Santa Clara Property Tax Roll
- B. Proposed Resolution to place unpaid nuisance abatements on the County of Santa Clara Property Tax Roll
  - Exhibit A: Summary of Nuisance Abatements Eligible for Placement on the Santa Clara County Property Tax

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SUNNYVALE FOR UNPAID ADMINISTRATIVE FINES TO  
BE PLACED ON THE FY 2012/2013 TAX ROLL**

WHEREAS, Government Code Section 53069.4 provides that local public agencies may make any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty, and the agency may set forth by ordinance the administrative procedures that shall govern the imposition, enforcement, collection, and administrative review by the local agency of those administrative fines or penalties; and

WHEREAS, pursuant to Sunnyvale Municipal Code Chapter 1.05, the City of Sunnyvale issues administrative citations and imposes fines for violations of the Municipal Code related to the use and maintenance of real property in the City;

WHEREAS, certain property owners are consistently delinquent and attempts to collect administrative fines through the billing and notification process have been unsuccessful; and

WHEREAS, Section 1.05.110(d) of the Sunnyvale Municipal Code allows the Director of Finance to cause administrative fines and associated costs not collected within 90 to be made a special assessment against the subject real property and collected on the tax roll together with its general taxes; and

WHEREAS, pursuant to Section 1.05.110(d), the Director of Finance caused a written report to be filed with the City Clerk describing each parcel of real property as to which such delinquency exists and the amount due, as set forth in Exhibit A; and

WHEREAS, pursuant to Section 1.05.110(d), the City Council, following a noticed public hearing, shall adopt a resolution confirming, discharging or modifying the amount of the special assessment; and

WHEREAS, on July 17, 2012, the City Council conducted a duly noticed public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City Council confirms the amount of the special assessment to be placed on the tax roll set forth in the report attached as Exhibit A.
2. The City Council directs the City Clerk to file with the Director of Finance, on or after July 17, 2012, a copy of the report attached as Exhibit A, indicating that the report has been finally adopted by the City Council.
3. The Director of Finance, after receipt of the report from the City Clerk, is authorized and directed to take all appropriate and necessary steps to impose the special assessments in the amount set forth in the report attached as Exhibit A.

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2012, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Michael D. Martello, Interim City Attorney

Date of Citation	Invoice Date	Citation #	Citation Amount	Owner Name	Property Address	Assessor Parcel #	ACCOUNT BALANCE	
							Balance at Meeting	Balance for Tax Roll
1/21/2011	2/4/2011	4068	\$14.44	Briones, Jovita C & Art A	1156 Pecos Way	104-25-091	\$39.49	\$45.00
1/31/2011	2/4/2011	4069	\$474.06	Briones, Jovita C & Art A	1156 Pecos Way	104-25-091	\$1,296.28	\$1,477.36
2/8/2011	2/25/2011	4070	\$500.00	Briones, Jovita C & Art A	1156 Pecos Way	104-25-091	\$1,332.79	\$1,523.43
3/21/2011	4/29/2011	4073	\$500.00	Ruth Krucker and Ursula Fluckinger	1147 Pome Avenue	202-11-026	\$1,229.51	\$1,419.11
3/28/2011	4/29/2011	4042	\$500.00	Ruth Krucker and Ursula Fluckinger	1147 Pome Avenue	202-11-026	\$1,229.51	\$1,419.11
4/4/2011	4/29/2011	4108	\$500.00	Ruth Krucker and Ursula Fluckinger	1147 Pome Avenue	202-11-026	\$1,229.51	\$1,419.11
4/12/2011	5/24/2011	4113	\$500.00	Ruth Krucker and Ursula Fluckinger	1147 Pome Avenue	202-11-026	\$1,188.52	\$1,377.71
5/26/2011	6/20/2011	4329	\$500.00	Ruth Krucker and Ursula Fluckinger	1147 Pome Avenue	202-11-026	\$1,144.26	\$1,333.00
5/31/2011	6/20/2011	4330	\$500.00	Ruth Krucker and Ursula Fluckinger	1147 Pome Avenue	202-11-026	\$1,144.26	\$1,333.00
6/1/2011	6/20/2011	4331	\$500.00	Ruth Krucker and Ursula Fluckinger	1147 Pome Avenue	202-11-026	\$1,144.26	\$1,333.00
4/20/2011	5/24/2011	4114	\$100.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$237.70	\$275.54
4/27/2011	5/24/2011	4116	\$200.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$475.40	\$551.08
5/4/2011	5/24/2011	4326	\$500.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$1,188.52	\$1,377.71
5/11/2011	5/24/2011	4340	\$500.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$1,188.52	\$1,377.71
5/26/2011	6/20/2011	4120	\$500.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$1,144.26	\$1,333.00
6/1/2011	6/20/2011	4551	\$500.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$1,144.26	\$1,333.00
6/30/2011	7/8/2011	4332	\$500.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$1,114.75	\$1,303.19
7/20/2011	7/22/2011	4335	\$500.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$1,091.80	\$1,280.01
7/21/2011	7/22/2011	4307	\$500.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$1,091.80	\$1,280.01
7/19/2011	7/22/2011	4306	\$500.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$1,091.80	\$1,280.01
7/27/2011	8/19/2011	4302	\$500.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$1,045.90	\$1,233.65
7/28/2011	8/19/2011	4303	\$500.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$1,045.90	\$1,233.65
8/1/2011	8/19/2011	4304	\$500.00	Goodell, John	1608 Redwing Avenue	313-40-065	\$1,045.90	\$1,233.65
5/10/2011	5/24/2011	4339	\$100.00	Head, Sabin	1617 Bittern Drive	309-40-042	\$237.70	\$275.55
5/17/2011	5/24/2011	4337	\$200.00	Head, Sabin	1617 Bittern Drive	309-40-042	\$475.41	\$551.08
5/24/2011	6/20/2011	4338	\$500.00	Head, Sabin	1617 Bittern Drive	309-40-042	\$1,144.26	\$1,333.00
5/31/2011	6/20/2011	4328	\$500.00	Head, Sabin	1617 Bittern Drive	309-40-042	\$1,144.26	\$1,333.00
8/9/2011	8/19/2011	4362	\$100.00	Mattman, Michael	728 Golden Oak Drive	211-08-017	\$209.18	\$246.73
8/16/2011	9/1/2011	4365	\$200.00	Mattman, Michael	728 Golden Oak Drive	211-08-017	\$409.84	\$484.85
9/19/2011	10/10/2011	4389	\$100.00	McGrath, Patrick	1085 Borregas Avenue	110-11-071	\$192.13	\$229.51
9/12/2011	10/10/2011	4448	\$100.00	Acton, Eugene	201 Clarence Ave	165-09-024	\$192.13	\$229.51
9/19/2011	10/10/2011	4390	\$200.00	Acton, Eugene	201 Clarence Ave	165-09-024	\$384.26	\$459.02
9/26/2011	10/10/2011	4401	\$500.00	Acton, Eugene	201 Clarence Ave	165-09-024	\$960.66	\$1,147.55
10/3/2011	10/10/2011	4415	\$500.00	Acton, Eugene	201 Clarence Ave	165-09-024	\$960.66	\$1,147.55
10/24/2011	11/11/2011	4520	\$500.00	Acton, Eugene	201 Clarence Ave	165-09-024	\$908.20	\$1,094.56
10/10/2011	11/11/2011	4424	\$500.00	Acton, Eugene	201 Clarence Ave	165-09-024	\$908.20	\$1,094.56
10/17/2011	11/11/2011	4434	\$500.00	Acton, Eugene	201 Clarence Ave	165-09-024	\$908.20	\$1,094.56

Date of Citation	Invoice Date	Citation #	Citation Amount	Owner Name	Property Address	Assessor Parcel #	Balance at Meeting	Balance for Tax Roll
11/14/2011	12/7/2011	4556	\$500.00	Acton, Eugene	201 Clarence Ave	165-09-024	\$865.57	\$1,051.49
11/15/2011	12/7/2011	4562	\$500.00	Acton, Eugene	201 Clarence Ave	165-09-024	\$865.57	\$1,051.49
11/16/2011	12/7/2011	4563	\$500.00	Acton, Eugene	201 Clarence Ave	165-09-024	\$865.57	\$1,051.49
11/17/2011	12/7/2011	4566	\$500.00	Acton, Eugene	201 Clarence Ave	165-09-024	\$865.57	\$1,051.49
11/18/2011	12/7/2011	4567	\$500.00	Acton, Eugene	201 Clarence Ave	165-09-024	\$865.57	\$1,051.49
2/14/2012	3/1/2012	4468	\$100.00	Yee, Leslie & Sherrie and Gary & Erica Young	960 Helen Avenue	213-35-026	\$145.25	\$182.15
2/21/2012	3/1/2012	4469	\$200.00	Yee, Leslie & Sherrie and Gary & Erica Young	960 Helen Avenue	213-35-026	\$290.49	\$364.30
2/28/2012	3/1/2012	4588	\$500.00	Yee, Leslie & Sherrie and Gary & Erica Young	960 Helen Avenue	213-35-026	\$726.23	\$910.75
1/23/2012	1/31/2012	4484	\$100.00	Sanchez, Hector	871 S. Wolfe Rd	211-13-054	\$155.08	\$192.08
2/23/2012	3/1/2012	4491	\$200.00	Sanchez, Hector	871 S. Wolfe Rd	211-13-054	\$290.49	\$364.30
							<b>\$38,855.38</b>	<b>\$45,764.10</b>

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO CAUSE CHARGES FOR NONPAYMENT OF THE COST OF ABATEMENT OF NUISANCES TO BE PLACED ON THE FY 2012/2013 TAX ROLL**

WHEREAS, certain accounts are consistently delinquent and attempts to collect funds through the billing and notification process have been unsuccessful; and

WHEREAS, pursuant to Section 9.26.070 of the Sunnyvale Municipal Code, a civil debt owed to the City for nuisance abatement costs may be placed on the real property tax roll, after a report and hearing; and

WHEREAS, pursuant to Section 8.20.060, the Director of Finance shall file a written report with the City Clerk which shall contain a description of each parcel of real property receiving such service and an account of the cost of abating such nuisance as to which such delinquency exists and the amount of the charge due for each parcel;

WHEREAS, on July 17, 2012, the City Council conducted a duly noticed public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City Council confirms the amount of the lien to be recorded against each parcel of real property set forth in the report attached as Exhibit "A."
2. The City Council directs the City Clerk to file with the Director of Finance on or after \_\_\_\_\_, 2012, a copy of the report attached as Exhibit A indicating that the report has been finally adopted by the City Council.
3. The Director of Finance, after receipt of the report from the City Clerk, is authorized and directed to take all appropriate and necessary steps to record a lien against each property in the amount set forth in the report attached as Exhibit "A."

Adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2012, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
(SEAL)

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Michael D. Martello, Interim City Attorney

Date of Abatement	Invoice Date	Invoice #	Invoice Amount	Owner Name	Property Address	Assessor Parcel #	ACCOUNT BALANCE	
							Balance at Meeting	Balance for Tax Roll
12/19/11 -12/20/11	2/3/2012	45894	\$3,615.00	Patrick McGrath	1085 Borregas Avenue	110-11-071	\$3,810.57	\$3,977.16
12/19/11 -12/20/11	2/3/2012	45894	\$2,610.00	Patrick McGrath	550 Balsam Avenue	204-13-015	\$2,751.20	\$2,871.47
							<b>\$6,561.77</b>	<b>\$6,848.63</b>