



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Community Improvement Administrative Fee Schedule

MEETING DATE: October 5, 1994

PREPARED BY: Kirk J. Evans, Administrative Assistant to the City Manager

RECOMMENDED ACTION: That City Council approve the attached Community Improvement Administrative Fee Schedule.


BACKGROUND INFORMATION: On September 13, 1994, City Council conducted a shirtsleeve session to review the attached fee schedule. The following guidelines would apply regarding use of the schedule:

1. No fees will be charged until after thirty (30) calendar days from the Community Improvement Officer's first notice of violation.
2. No fees will be charged if and while the property owner is appealing the notice of violation.
3. If it is determined that no part of the property is in violation of the property maintenance ordinance, then no fees will be charged.
4. Once the property owner no longer wishes to appeal, or has exhausted all appeals, all applicable fees will be charged.
5. The Community Improvement Officer may grant extensions for property owners to abate nuisances if it is clear that real effort and real progress is being made on the property clean-up. In this case, no fees will be charged.

The intent of the schedule is to exact fees from individuals who do not wish to repair or remove real nuisances from their property. It provides some revenue to support a program made necessary due to the behavior of this type of property owner. It reduces the necessity of spending staff time unproductively in small claims court. The schedule cannot be applied against owners who keep their property in good condition.

FUNDING: None required.

Respectfully Submitted,


Kirk J. Evans

Administrative Assistant to the City Manager

CCCOM001/TXTA.TLP

APPROVED: 

THOMAS A. PETERSON
City Manager



recycled paper

13 September 1994

The Honorable Mayor and City Council
City of Lodi
221 West Pine Street
Lodi, CA. 95240

Gentlemen,

It is with full endorsement that I recommend your adoption of the same "Community Improvement Administrative Fee Schedule" that was brought forth at the shirtsleeve meeting of September 13, 1994. I offer this recommendation not only on behalf of the 150 (+/-) landowners that we represent, but based also on the comments of my peers.

We believe this to be the fair way to go after those who choose not to comply with the policies, and ordinances the City has adopted. In discussions with others about this issue, I have often said, "Fine those who violate, but do not penalize those who do not." The staff's recommendation to this matter does that.

My thanks to Mr. Kirk Evans for such a thoughtful, professional, and equitable presentation. He proves once again something that we often take for granted. The fine quality of the staff that we enjoy in Lodi at the local government level.

Should you have further questions, please feel free to contact me at the number listed below.

Schaffer Sues and Boyd, Realtors®
Property Management Division



Kevin Sues

cc: City Manager
Virginia Snyder, Eastside Improvement Committee
File

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RESOLUTION NO. 94-116

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A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING THE COMMUNITY IMPROVEMENT
ADMINISTRATIVE FEE SCHEDULE

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RESOLVED, that the Lodi City Council hereby approves the Community Improvement Administrative Fee Schedule, which authorizes City staff to assess fees against individuals who repeatedly refuse to correct nuisances on property within the City limits, as shown on Exhibit A attached hereto.

Dated: October 5, 1994

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I hereby certify that Resolution No. 94-116 was passed and adopted by the Lodi City Council in a regular meeting held October 5, 1994 by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Snider
and Sieglock (Mayor)

Noes: Council Members - None

Absent: Council Members - None


Jennifer M. Perrin
City Clerk

COMMUNITY IMPROVEMENT
ADMINISTRATIVE FEE SCHEDULE

DESCRIPTION OF SERVICE	FEE
1. Vehicle abatements by the City, (public and private property, including street) requiring a second compliance inspection.	\$100/vehicle
2. Violations of LMC Chapter 15.30 which continue more than 30 days after notification of the violation. Plus actual cost of abatement if necessary.	\$90/case
3. Violations of LMC Chapter 15.30 where an administrative hearing is held.	\$50/case
4. Appeals of decision of the administrative hearing.	\$50/case
5. Violations of the LMC requiring 1) order of abatement by Planning Commission or City Council, 2) an inspection or seizure warrant, or 3) a posting of an order designating the property as unsafe to occupy.	\$100/case
6. Commencement of civil litigation proceedings.	\$1,000/case
7. Costs of abatement in addition to City staff and associated indirect costs, including but not limited to labor, equipment, private contractor, materials, storage and all other costs reasonably necessary to abate the nuisance.	Actual costs of case
8. Violations Fines - as outlined in LMC Section 15.30.220.	Up to \$500 per violation

NOTE: The single highest applicable fee will be charged to each case.

Violation _____

Violation _____

Violation _____

Violation _____

Violation _____

Investigating Officer: _____ Date: _____

COMMUNITY IMPROVEMENT
ADMINISTRATIVE FEE SCHEDULE
(Explanation of Fees)

1. Vehicle abatements - Community Development has already established this fee (for a second compliance inspection) - \$100

2. Violations of LMC 15.30 (PMO)

- January 10 to June 22 = 24 weeks
- 140 sites inspected = 5.83 sites per week
- Number of inspections/site = 4
- Community Improvement (100 series) = \$18,865 per year
- 4 inspections/site x 303 sites/year = 1,212 inspections per year
- \$18,865/1,212 inspections = 15.57 per inspection

Every complaint involves a minimum of two (2) inspections. A difficult case extending beyond the 30 day period following a Notice of Violation will require six (6) inspections or attempts at communication.

6 inspections x 15.57 per inspection = \$93.42 . . . recommend \$90.

3. Administrative Hearing -

- a) prepare Notice of Hearing - 30 minutes - \$5
- b) phone conversations with property owner to buy more time, complain, etc. - 30 minutes - \$5
- c) actual hearing - 1 hour. Leland Schmiedt and Kirk Evans time
27.26 + 10.00 = \$47.26 . . . recommend \$50

4. Appeals of decision of Administrative Hearing to Planning Commission or City Council. Further communications between Kirk Evans' office and occupant as well as appearance of Leland and Kirk before Planning Commission or City Council - \$50.

5. Violations requiring an order of abatement, inspection warrant or posting of property as unsafe to occupy.

Staff time for positions such as Building Inspector, City Clerk, Assistant to the City Manager average \$25 an hour - salary and benefits. These positions will be responsible for preparing and serving these documents. Any one of these procedures will require at least four person hours to complete. 4 x 25 = \$100.

6. Commencement of civil litigation proceedings.

City Attorney's time - \$47.50/hour.

The City Attorney and his staff can easily exceed over 2 1/2 days devoted to a difficult case requiring litigation.

21 hours x \$47.50 = \$1,000.

7. Actual costs of abatement will be enumerated for each case.

8. Violations Fines are outlined in LMC 15.30.220.

- a) first violation \$100
- b) second violation \$200
- c) third violation \$500