

DATE: May 27, 2008
TO: Mayor and City Council
FROM: Director of Community and Economic Development
SUBJECT: Hearing on Report and Assessment for Weed Abatement Fees Past Due

RECOMMENDATION

That Council adopts the attached resolution confirming the report and assessment for overdue weed abatement fees for the 2007 calendar year, and authorizing the assessments to become a lien against the properties if not paid on or before July 25, 2008.

SUMMARY

The purpose of the Lien Hearing is to consider the proposed report and assessment list, as well as any objections from property owners. After concluding the hearing, Council may choose to modify the proposed charges and assessment list as appropriate, after which the list will be officially confirmed by resolution.

As of the date of this writing, overdue bills (including contractor costs) affecting 8 properties amount to approximately \$7,709. Amounts currently due include a \$5 per-month late charge and 1% interest per month on charges due over thirty days. The accounts receivable list is attached as Exhibit A.

The unpaid charges, plus any administrative costs of the City and County, will become a lien on the property and will appear on the property owners' November 2008 tax bill. The County collects and remits the funds to the City when the property taxes are paid, when the property is sold, or the property is refinanced. Abatement charges constitute a special assessment against the property. However, sometimes it is not possible to establish a lien to collect an overdue bill because the current owner was not the party responsible for the debt. In these instances, the Finance Director pursues collection of the debt from the responsible individual through the City Collection Officer, collection agency, or litigation.

BACKGROUND

Weed abatement is carried out for both aesthetic and fire prevention purposes. Work consists of removal of weeds, rubbish, debris, and litter from both privately-owned and City-owned properties.

For first-time weed violations, there is no charge for the compliance inspection process if corrections have been completed by the reinspection date. However, if the violation is not corrected, a fee of \$300 is assessed. The fee is based on the standard cost for staff time and materials to process a typical violation. This includes the cost of both the initial inspection and the compliance inspection, site photographs, researching property ownership records, sending abatement notices, preparing and maintaining the case file, and vehicle charges. Additional fees and penalties for a first violation, if necessary, are assessed as follows: \$275 second reinspection, \$475 third reinspection, \$675 fourth reinspection, and \$875 for the fifth and subsequent reinspections.

For a repeated violation of the same ordinance within 12 months by the same property owner, a fee of \$1,100 (\$300 plus \$800 penalty) is charged. Properties that are abated by the City's contractor are imposed a City fee of \$200 in addition to the contractor charges. This covers the City's costs of verifying the adequacy of the contractor's work and the financial process. If it is necessary to place a lien on a property to recover unpaid inspection or contractor fees, an additional \$150 fee is levied to cover City costs.

FISCAL IMPACT

There is no fiscal impact to the City of Hayward as City costs are reimbursed through liens on the property. As of the date of this writing, overdue bills affecting 8 properties amount to approximately \$7,709. The following represents for each calendar year, over the last five years, the number of properties that had overdue bills and the approximate amount owed for each of the five lien hearings:

Calendar Year 2002 – 10 properties, \$3,671
Calendar Year 2003 – 8 properties, \$4,946
Calendar Year 2004 – 3 properties, \$1,360
Calendar Year 2005 – 2 properties, \$1,466
Calendar Year 2006 – 5 properties, \$3,745

PUBLIC CONTACT

In conjunction with the annual City-wide weed survey, a reminder notice was mailed in May to those property owners who had received a Notice to Abate the previous year, whether the owner corrected the violation or the City's contractor was required to do so. Notices were also sent throughout the year to owners of property found to be in violation that had not previously received a notice in conjunction with the annual survey.

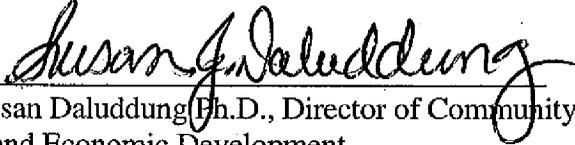
Notice of this hearing was published in the Daily Review on May 17, 2008. A notice of this hearing was also sent by certified mail to each property owner, mortgagee, or beneficiary indicated on the current assessor's roll. In addition, in April, staff sent a courtesy letter to all affected parties informing them of the impending proceedings and encouraging them to pay their bills to minimize fees and to be removed from the proposed assessment list.

Prepared by:



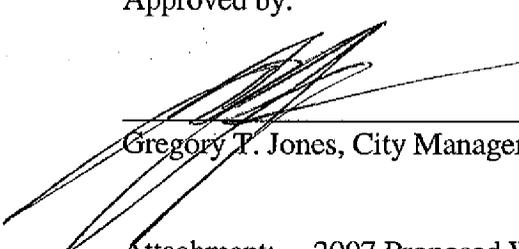
Mary Brown, Senior Community
Preservation Inspector

Recommended by:



Susan Daluddung Ph.D., Director of Community
and Economic Development

Approved by:


Gregory T. Jones, City Manager

Attachment: 2007 Proposed Weed Abatement Assessment List
Resolution

DEPARTMENT: WEED ABATEMENT
 INVOICES OVER 30 DAYS PAST DUE

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INV #	DATE	MAP BLOCK	PARCEL NUMBER-	OWNER NAME/ADDRESS	INVOICE DESCRIPTION	PARCEL LOCATION	BALANCE DUE	DEPT	STAT
173603	08/09/2007	455.0068	001 02	ARAFILES FERDINAND P & JAIME P	WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-1161; SUBSEQUENT VIOLATION WITHIN TWELVE MONTHS PER INSPECTION ON 08/01/07 AT 27501 LOYOLA AV; APN 455-0068-001-02. IF QUESTIONS CALL 510/583-4170 FOR INSPECTOR SULLIVAN.	27501 LOYOLA AVE 94587	1,121.05	4630	001 46
180180	11/06/2007	455.0068	001 02	ARAFILES FERDINAND P & JAIME P	WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-1161; FAILED COMMUNITY PRES REINSPECTION DONE ON 10/18/07 FOR 27501 LOYOLA AVE; APN 455-0068-001-02. IF ANY QUESTIONS CALL INSPECTOR SULLIVAN AT 510-583-4170.	27501 LOYOLA AVE 94587	313.05	4630	001 46
180834	12/06/2007	455.0068	001 02	ARAFILES FERDINAND P & JAIME P	WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-1161; FAILED COMMUNITY PRES REINSPECTION DONE 11/01/07 FOR 27501 LOYOLA AVE; APN 455-0068-001-02. IF QUESTION CALL INSPECTOR SULLIVAN AT 510-583-4170.	27501 LOYOLA AVE 94587	287.80	4630	001 46
181220	12/13/2007	455.0068	001 02	ARAFILES FERDINAND P & JAIME P	WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-1161; FAILED COMMUNITY PRES REINSPECTION DONE ON 12/11/07 FOR 27501 LOYOLA AVE; APN 455-0068-001-02. IF ANY QUESTIONS CALL INSPECTOR SULLIVAN AT 510-583-4170.	27501 LOYOLA AVE 94587	480.00	4630	001 46
29490				ARAFILES, FERDINAND & JAIME		TOTAL	2,201.90		
179417	09/27/2007	078C.0638	005 01	AZIZI WASSIM	WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-1171; FAILED SECOND COMMUNITY PRES REINSPECTION DONE ON 8/22/07 FOR 27794 MISSION BLVD; APN 078C-0638-005-01. IF QUESTIONS CALL INSPECTOR PORTILLO 510/583-4138	DOUGLAS ST 94544	287.80	4630	001 46
21029				AZIZI, WASSIM		TOTAL	287.80		

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DEPARTMENT: WEED ABATEMENT
 INVOICES OVER 30 DAYS PAST DUE

INV #	DATE	- PARCEL NUMBER-	OWNER NAME/ADDRESS	PARCEL LOCATION	BALANCE DUE	DEPT
BILLED TO	MAP BLOCK	PARCEL	INVOICE DESCRIPTION			STAT

173904	08/23/2007	078C 0638 005 01	AZIZI WASSIM 27794 MISSION BLVD HAYWARD CA	94544 DOUGLAS ST	313.05	4630 001 46
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE: WA07-1171; FAILED COMMUNITY PRESERVATION INSPECTION DONE ON 8/13/07 FOR 27794 MISSION BLVD; APN: 078C-0638-005-01. \$300 FEE. IF QUESTIONS CALL INSPECTOR PORTILLO AT 510/583-4138						
23914			AZIZI, WASSIM M	TOTAL	313.05	

179430	09/27/2007	454 0050 061 00	CAMACHO ALEXANDER V & ELEANOR 3665 GLASGOW CIR LIVERMORE CA	94551 1378 INGLEWOOD ST	910.97	4630 001 46
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-1093 FAILED COMMUNITY PRES INSPECTION DONE ON 8/31/07 & CONTRACTOR CHARGES FOR WEED ABATEMENT DONE ON 9/13/07 FOR 1378 INGLEWOOD ST; APN: 454-0050-061-00. IF QUESTIONS CALL INSPECTOR SULLIVAN AT 510/583-4170						
8272			CAMACHO, ALEXANDER & ELEANO	TOTAL	910.97	

179435	09/27/2007	078G 2747 012 00	CITIMORTGAGE INC 1000 TECHNOLOGY DR O'FALLON MO	63368 31995 CARROLL AVE	471.87	4630 001 46
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-0946; ABATEMENT DONE ON 8/27/07 FOR 31995 CARROLL AVE; APN 078G-2747-012-00 \$200 PARCEL CHARGE & \$257.25 CONTRACTOR CHARGES. IF QUESTIONS CALL INSPECTOR PORTILLO 510/583-4138						
29514			CHETAN, HAYER	TOTAL	471.87	

172390	06/14/2007	428 0021 028 02	CONTRERAS VIRGELINA & HERNANDE 25830 UNDERWOOD AVE HAYWARD CA	94544 1104 OAKVIEW AVE	590.80	4630 001 46
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-0440; FAILED WEED INSPECTION DONE ON 05/22/07 (\$300.00) AND 06/04/07 (\$275.00) AT OAKVIEW AVENUE APN: 428-0021-028-02. IF QUESTIONS CALL 510/583-4158 FOR INSPECTOR FLORES.						

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DEPARTMENT: WEED ABATEMENT
 INVOICES OVER 30 DAYS PAST DUE

INV #	DATE	-PARCEL NUMBER-	OWNER NAME/ADDRESS	INVOICE DESCRIPTION	PARCEL LOCATION	BALANCE DUE	DEPT
BILLED TO	MAP BLOCK	PARCEL	INVOICE	DESCRIPTION	PARCEL	LOCATION	STAT
172707	07/05/2007	428 0021 028 02	CONTRERAS VIRGELINA & HERNANDE	CONTRERAS VIRGELINA & HERNANDE 25830 UNDERWOOD AVE HAYWARD CA	1104 OAKVIEW AVE 94544	607.97	4630 001 46
				WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-0440; CONTRACTOR CHARGES FOR WORK DONE ON 06/13/07 AT OAKVIEW AVENUE; APN 428-0021-028-02 CONTRACTOR FEE \$392.00 PLUS PER-PARCEL ABATEMENT CHARGE @ \$200.00. IF QUESTIONS CALL 510/583-4158 FOR INSPECTOR FLORES.			

29026
 CONTRERAS, VIRGILINA

TOTAL 1,198.77

172754	07/05/2007	465 0001 006 00	KAPOOR JAGJEET S & PARMINDER	KAPOOR JAGJEET S & PARMINDER 520 W TENNYSON RD HAYWARD CA	520 W TENNYSON RD 94544	313.05	4630 001 46
				WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-0673; FAILED WEED REINSPECTION DONE ON 6/15/07 AT 520 W. TENNYSON RD; APN 465-0001-006-00 IF QUESTIONS CALL INSPECTOR PORTILLO AT 510/583-4138.			

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173341	07/26/2007	465 0001 006 00	KAPOOR JAGJEET S & PARMINDER	KAPOOR JAGJEET S & PARMINDER 520 W TENNYSON RD HAYWARD CA	520 W TENNYSON RD 94544	287.80	4630 001 46
				WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-0673; FAILED WEED INSPECTION DONE 07/19/ 07 AT 520 W. TENNYSON RD; APN 465-0001-006-00. IF QUESTIONS, CALL INSPECTOR PORTILLO AT 510/583-4138			

173929	08/23/2007	465 0001 006 00	KAPOOR JAGJEET S & PARMINDER	KAPOOR JAGJEET S & PARMINDER 520 W TENNYSON RD HAYWARD CA	520 W TENNYSON RD 94544	489.80	4630 001 46
				WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE: WA07-0673; FAILED THIRD REINSPECTION DONE ON 8/2/07 FOR 520 W TENNYSON; APN 465-0001-006-00. \$75 FEE PLUS \$400 PENALTY. IF QUESTIONS CALL INSPECTOR PORTILLO AT 510/583-4138			

179482	09/27/2007	465 0001 006 00	KAPOOR JAGJEET S & PARMINDER	KAPOOR JAGJEET S & PARMINDER 520 W TENNYSON RD HAYWARD CA	520 W TENNYSON RD 94544	607.97	4630 001 46
				WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-0673; CONTRACTOR CHARGES FOR WEED ABATEMENT DONE ON 9/13/07 FOR 520 W TENNYSON; APN 465-0001-006-00. IF QUESTIONS CALL INSPECTOR PORTILLO 510/583/4138			

20240
 KAPOOR, JAGJEET & PARMINDER

TOTAL 1,698.62

REPORT ID: FMIS-AR851

CITY OF HAYWARD
ACCOUNTS RECEIVABLE SYSTEM
INVOICE PARCEL INFORMATION

REPORT PRINT DATE: 05/20/2008
PAGE NO. 4 TIME: 12:16

DEPARTMENT: WEED ABATEMENT
INVOICES OVER 30 DAYS PAST DUE

INV #	DATE	-PARCEL NUMBER-	OWNER NAME/ADDRESS	PARCEL LOCATION	BALANCE DUE	DEPT STAT
BILLED TO	MAP BLOCK	PARCEL	INVOICE DESCRIPTION			
180467	11/15/2007	432 0048 078 00	MILLERGAUBATZ BARBARA A 23138 LILLA RD HAYWARD CA	23138 LILLA RD 94541	313.05	4630 001 46
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA07-0935; FAILED COMMUNITY PRES REINSPECTION ON 9/17/07 @ \$100 AND 10/23/07 @ \$300. APN 432-00 48-078-00. IF ANY QUESTIONS CALL INSPECTOR FLORES AT 510-583-4158.						
29771			MILLERGAUBATZ, BARBARA A	TOTAL	313.05	
172369	06/07/2007	442 0005 033 00	WARD ROBERT J & WILMA C TRS 927 JEAN WAY HAYWARD CA	927 JEAN WAY 94545	313.05	4630 001 46
WEED ABATEMENT INSPECTION, LEGAL NOTIFICATION, CASE DOCUMENTATION, AND COMPLIANCE VERIFICATION CASE WA06-1263; FAILED WEED REINSPECTION DONE ON 05/14/07 AT 927 JEAN WAY; APN 442-0005-033-00. IF QUESTIONS CALL INSPECTOR PORTILLO AT 510/583-4138.						
29022			WARD, ROBERT & WILMA	TOTAL	313.05	
TOTAL					7,709.08	=====

***** END OF REPORT *****

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 08-

Introduced by Council Member _____

Mue
5/1/08

RESOLUTION CONFIRMING THE REPORT OF THE ENFORCEMENT OFFICER FOR WEED, RUBBISH, AND LITTER ABATEMENT FROM CERTAIN PROPERTIES IN THE CITY OF HAYWARD IN CONNECTION WITH THE WEED ABATEMENT PROGRAM FOR 2007

WHEREAS, in connection with the 2007 Weed Abatement Program, the Enforcement Officer has rendered an itemized report in writing to this Council showing the cost of removing weeds, rubbish, refuse, and litter from certain properties in the City of Hayward described in the report, all as required by section 4-1.62 of the Municipal Code of the City of Hayward; and

WHEREAS, the hour of 8 p.m. on Tuesday, May 27, 2008, in the Council Chambers, City Hall, 777 B Street, Hayward, California, was fixed as the time and place for this Council to receive and consider the report, and a copy of the report has been posted and published in the manner required by section 4-1.63 of the Municipal Code; and

WHEREAS, the hearing was held at the time and place fixed, and the City Council has considered the report and all comments with respect thereto; and

WHEREAS, at the time and place of the hearing, evidence of the violations was presented and an opportunity to dispute such evidence provided.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that except as amended by council, report of the Enforcement Officer of the City of Hayward Weed Abatement Program on the cost of removing weeds, rubbish, refuse, and litter from the properties therein described, a copy of which is attached hereto, is hereby confirmed.

BE IT FURTHER RESOLVED that payments of assessments confirmed hereby may be received by the City of Hayward Finance Director up to the hour of 5 p.m. on July 25, 2008, and thereafter such official shall transmit the unpaid assessments to the County Auditor for collection on the property tax roll.

