



Legislation Text

File #: 21-340, Version: 1

Memorandum

Date: April 27, 2021

To: The Honorable Bruno Sabatier, Chair, Lake County Board of Supervisors

From: Scott De Leon, Public Works Director

Subject: Discussion and Direction to Staff regarding: a) Modifications to the Lake County Administrative Penalties Ordinance and b) Recouping of costs associated with Hazardous Vegetation Abatement

Executive Summary: (include fiscal and staffing impact narrative):

Within Chapter 13 of the Lake County Code, in Article VII - Administrative Penalties, there exists several sections that encompass the processes related to administrative penalties, which provide remedies to: 1) All violations of the Lake County Code; 2) Failing to comply with any condition imposed by any entitlement, permit, contract, or environmental document issued or approved by the County of Lake; and, 3) Failing to obtain and/or maintain any permit related to cannabis operations which is required, issued, and/or approved by the County of Lake. This Article is referred to and cited as: "The Lake County Administrative Penalties Ordinance", and it is Ordinance number 2927. The current ordinance is attached to this memo as Exhibit A.

Section 13-55 of the aforementioned Article specifies the processes for payment and collection of Administrative Penalties. At this time, the only remedy available to the County for unpaid penalties is a lien on any real property owned by the responsible party(ies), which results in several challenges, some of which include:

- The lien process is slow, cumbersome, and very time consuming for staff;
- Liens do not address the situation when the offending party is not the owner of the property;
- Liens are only paid at the time of the sale of the parcel on which it's filed, and in the case of tax-defaulted sales, are not accounted for and can only be paid if there are excess funds;

Staff solicited input from other agencies with successful collection programs and based on the information gathered, there are two areas of improvement that we've identified. They include the following:

1. Incorporate language that will expand the options for collection; and,
2. Utilize the services of a consultant who serves as a "collection agency";

For item #1, staff proposes the additional language shown on the attached draft Ordinance as Section 13-55.3. We have proposed additional modifications that are shown in red on the attached Draft, however Section 13-55.3 is specific to providing more options for the collection of fines. The

proposed modified ordinance is attached as Exhibit B.

For item #2, staff also recommends the use of a consultant to perform the work necessary to utilize the additional options that would be available should the revisions proposed in item #1 be approved. The firm "Data Ticket, Inc." which provides Administrative Citation services to over 225 Code Enforcement Agencies in California, including the City of Clearlake, provided a scope of services and a cost proposal in response to staff contacting them, both of which are attached for your information. As you'll note, the consultant performs all tasks associated with the processing of citations, which is a significant amount of effort. Though the consultant provided two options for their fees, staff has used \$200/month, the consultant's minimum fee, as the basis for evaluation. If these tasks were performed by CDD staff, the consultant's fee would equal approximately 6.5 hours of staff time, which might be sufficient to cover the staff time required for a single citation, so with multiple citations it is clearly advantageous to utilize the services of the consultant. This doesn't account for the fact that this consultant has been performing this type of work for 15 years, and they are clearly more knowledgeable and skilled in this unique type of work.

For today's item, staff respectfully requests your Board's discussion and direction regarding the proposed changes to the Ordinance as well as the use of a consultant for the processing of Citations and collection of fines. Should your Board direct staff to pursue the use of a consultant, staff will return with an item to approve a contract to perform the work.

For Part b) of the agenda, staff requests your Board's discussion and direction regarding the recoupment of funds expended on Hazardous Vegetation Abatement within the three Zones of Benefit that were created in 2019. As your Board is aware, these Zones of Benefit were created for the purpose of funding Hazardous Vegetation Abatement on parcels within the zones whose owners have neglected to control the native vegetation, thereby creating a public nuisance and wildfire hazard. No specific policies were developed for the recoupment of costs associated with the abatement, and it was likely presumed that the placement of liens on the property would be the method used. Staff respectfully requests your Board's discussion and direction on how staff should pursue the reimbursement of costs on this project.

If not budgeted, fill in the blanks below only:

Estimated Cost: _____ Amount Budgeted: _____ Additional Requested: _____ Future Annual Cost: _____

Consistency with Vision 2028 and/or Fiscal Crisis Management Plan (check all that apply):

☐ Not applicable

- ☐ Well-being of Residents
- ☐ Economic Development
- ☐ Community Collaboration

- ☐ Public Safety
- ☐ Disaster Recovery
- ☐ Business Process Efficiency

- ☐ Infrastructure
- ☐ County Workforce
- ☐ Clear Lake

- ☐ Technology Upgrades
- ☐ Revenue Generation
- ☐ Cost Savings

If request for exemption from competitive bid in accordance with County Code Chapter 2 Sec. 2-38, fill in blanks below:

Which exemption is being requested?

How long has Agreement been in place?

When was purchase last rebid?

Reason for request to waive bid?

Recommended Action: Direction to Staff regarding: a) Modifications to the Lake County Administrative Penalties Ordinance and b) Recouping of costs associated with Hazardous Vegetation Abatement

