

17) **Approve Placing Delinquent Nuisance Abatement Charges on the Tax Roll**

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ORDERING CONFIRMATION OF THE SPECIAL ASSESSMENTS AGAINST PARCELS OF LAND WITHIN THE PUBLIC NUISANCE ABATEMENT COSTS FOR THE FISCAL YEAR 2023-24.



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Shannon Buckley, Assistant City Manager

Date: July 25, 2023

Subject: Approve Placing Delinquent Nuisance Abatement Charges on the Tax Roll

Recommendation

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, ORDERING CONFIRMATION OF THE SPECIAL ASSESSMENTS AGAINST PARCELS OF LAND WITHIN THE PUBLIC NUISANCE ABATEMENT COSTS FOR THE FISCAL YEAR 2023-24.

Background

The City of Lake Elsinore administers nuisance abatement activities in accordance with Chapter 8.18 of the Lake Elsinore Municipal Code. The City strives to obtain voluntary compliance by property owners to remedy public nuisance violations; but when violations persist, the City's enforcement actions escalate to obtain abatement warrants allowing the City to abate the public nuisances directly. When City abatement actions are required, the City bills the owners of these parcels to recover the abatement costs, plus incidental expenses. If the owners do not respond to the billing request, the City must place a lien on the property to recover its costs. Staff requests Council approval of a Resolution to allow the City to accomplish the foregoing for Fiscal Year 2023-24. If approved, staff will record a Notice of Lien against the properties, provide notice to the property owners, and forward the adopted Resolution and Notice of Lien to the Riverside County Treasurer-Tax Collector to add the delinquent unpaid assessments to the next regular tax bills.

Discussion

As of July 25, 2023, there are four parcels with an outstanding amount totaling \$16,862.10 associated with the cost of nuisance abatement. Due to these delinquent accounts, staff requests consideration for the outstanding charges to be placed on the property tax roll. Following the procedures set forth in Section 8.18.130 of the Lake Elsinore Municipal Code and applicable state law, these costs will be submitted to the County Tax Assessor's Office for reimbursement if

Delinquent Nuisance Abatement

approved. A list of delinquent properties abated by the City is included as Exhibit A to the Resolution.

Fiscal Impact

Other than staff time, all costs associated with the abatement of these delinquent properties will be placed on the property tax rolls for payment.

Attachments

Attachment 1- Resolution for Nuisance Abatement
Exhibit A - FY 2023-24 Nuisance Abatement Roll
Attachment 2 - NOPH Nuisance Abatement

RESOLUTION NO. 2023 – _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE,
CALIFORNIA, ORDERING CONFIRMATION OF THE SPECIAL ASSESSMENTS
AGAINST PARCELS OF LAND WITHIN THE PUBLIC NUISANCE ABATEMENT
COSTS FOR THE FISCAL YEAR 2023-24**

Whereas, the City of Lake Elsinore Municipal Code (LEMC) Section 8.18.130 provides for the recovery of Public Nuisance Abatement costs; and,

Whereas, costs for abatement of unlawful acts and public nuisances have been expended by the City of Lake Elsinore for each of the parcels as described in the attached list of parcels (Exhibit "A"), at a cost equal to the costs of abatement including administrative expenses for each parcel; and,

Whereas, a Public Hearing was held by the City Council on July 25, 2023, duly noticed in accordance with the requirements of Government Code Section 38773.5 and the LEMC, concerning the Public Nuisance Abatement costs of these parcels at which time the City Council (Council) heard all objections of property owners liable to be assessed for the costs of abatement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: Recitals. That the above recitals are all true and correct

Section 2: Approval of liens against parcels. That the list of parcels and costs of Public Nuisance Abatement for each parcel is hereby reconfirmed and a Notice of Lien shall be recorded against the parcels such that said costs shall constitute special assessments against the respective parcels of land and are a lien of said land in the amount of the respective assessments.

Section 3: Transmittal to County. Upon notice to the property owners in accordance with Government Code Section 38773.5 and LEMC Section 8.18.130 and confirmation of the recordation of the Notice of Lien, a copy of this Resolution and the Notice of Lien shall be transmitted to the Riverside County Treasurer-Tax Collector who shall enter the amounts of the respective assessments against the respective parcels of land as they appear in the current assessment roll, and shall collect said assessments at the same time in the same manner as ordinary municipal ad valorem taxes as provided in Section 39577 of the Government Code.

Section 4: Discharge of liens upon payment. That the costs against any parcel of land listed in Exhibit "A" assessed by this Resolution and the lien created thereby shall be deemed discharged and released upon the payment for said parcel of the property taxes for the tax year above-noted.

Section 5: Severability. That the Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 6: Effective Date. That this Resolution shall take effect upon its adoption.

Section 7. Certification. That the City Clerk shall certify as to the adoption of this Resolution and enter it into the book of original Resolutions.

Passed and Adopted on this 25th day of July, 2023.

Natasha Johnson
Mayor

Attest:

Candice Alvarez, MMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF LAKE ELSINORE)

I, Candice Alvarez, MMC, City Clerk of the City of Lake Elsinore, California, do hereby certify that Resolution No. 2023-__ was adopted by the City Council of the City of Lake Elsinore, California, at the regular meeting of July 25, 2023, and that the same was adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Candice Alvarez, MMC
City Clerk

EXHIBIT B: NUISANCE ABATEMENT

Assessment Roll

68-2371 - Nuisance Abatement

Fiscal Year 2023-24



| APN | Levy | APN | Levy | APN | Levy |
|-------------|------------|-------------|------------|-------------|-------------|
| 346-110-011 | \$6,142.04 | 387-121-032 | \$1,548.04 | 379-192-013 | \$400.00 |
| 379-292-033 | \$8,772.02 | | | | |
| Totals | | Parcels | 4 | Levy | \$16,862.10 |



NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Lake Elsinore will conduct a Public Hearing to advise the City of Lake Elsinore residents of potential special assessments for their failure to pay any Public Nuisance Abatement costs associated with properties located in the City.

After the Public Hearing, a special assessment for the Public Nuisance Abatement costs may be imposed on the appropriate properties on the County Tax Rolls.

NOTICE IS HEREBY FURTHER GIVEN that the City Council has fixed 7:00 p.m., or as soon thereafter as practicable, Tuesday, July 25, 2023, in the City Council Chambers located at 183 N Main St., Lake Elsinore, California 92530, as the time and place when and where the City Council will conduct a Public Hearing on the Public Nuisance Abatement costs.

ALL INTERESTED PERSONS are hereby invited to attend this Public Hearing to present written information, express opinions or otherwise present evidence in the above matters. If you wish to legally challenge any action taken by the City on the above matter, you may be limited to raising only those issues you or someone else at the Public Hearing described in this notice, or in written correspondence delivered to the City prior to or at the Public Hearing. If you require accommodation to participate in a Public Hearing, please contact the City Clerk's office at (951) 674-3124 ext. 262. All Agenda materials are available for review at City Hall the Friday before the Public Hearing.

FURTHER INFORMATION on this item may be obtained by contacting Candice Alvarez, MMC, City Clerk at (951) 674-3124 ext. 262.

Dated: July 12, 2023

Candice Alvarez, MMC
City Clerk

Posted at City Hall on July 12, 2023
Published in the Press Enterprise on July 12, 2023