



OFFICE OF THE CITY ATTORNEY
Long Beach, California

H-2

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June 10, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to receive supporting documentation into the record, conclude the hearing, declare the ordinance amending the Long Beach Municipal Code by amending Sections 18.21.020, 18.21.040 and 18.21.050, relating to maintenance of long-term boarded and vacated buildings, read the first time and laid over for second reading, and adopt resolution establishing service fees and charges relating to maintenance of long-term boarded and vacated buildings. (Citywide)

DISCUSSION

Pursuant to the request of City Council on May 6, 2008, and upon report from the Transportation and Infrastructure Committee on April 29, 2008, we have prepared the attached ordinance and corresponding fee resolution for your consideration.

The proposed ordinance amendments focus upon shortening the time periods by which City staff may proactively impose measures to eliminate or control potential nuisance properties that have been boarded or abandoned. The amendments also allow Code Enforcement personnel to actively monitor vacant buildings and structures and to record a "Notice of Vacant Building" with the County Records' Office. The amendments further establish an "Optional Vacant Building Plan and Timetable" which allows the City to actively engage building owners with an eye toward obtaining early compliance with all City regulations and returning the building or structure to a useful purpose at the earliest possible date.

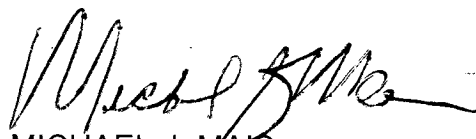
The proposed "fee resolution" associated with the ordinance amendments allows the City to recoup the actual costs and expenditures incurred in enforcing the various provisions of the amended ordinance.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By 
MICHAEL J. MAIS
Assistant City Attorney

MJM:kjm

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A08-00826

1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH ESTABLISHING SERVICE FEES
5 AND CHARGES RELATING TO MAINTENANCE OF LONG-
6 TERM BOARDED AND VACATED BUILDINGS IN
7 ACCORDANCE WITH THE PROVISIONS OF CHAPTER
8 18.21 OF THE LONG BEACH MUNICIPAL CODE.
9

10
11 WHEREAS, the City Council of the City of Long Beach ("City") seeks to
12 establish service fees and charges to recover the full, lawfully recoverable costs incurred
13 by the City in providing services to those who either request or require them; and

14 WHEREAS, it is the City's policy to set service fees and charges at full cost
15 recovery levels, except where a greater public benefit demonstrates the need to impose a
16 lesser fee or charge to the satisfaction of the City Council, or when it is not cost effective
17 to do so; and

18 WHEREAS, in accordance with the provisions of Chapter 18.21 of the Long
19 Beach Municipal Code, the Community Development Department of the City of Long
20 Beach has conducted an analysis of its costs and services related to the maintenance of
21 long-term boarded and vacated buildings and structures, the beneficiaries of those
22 services, and the revenues produced by those paying service fees and charges for said
23 services; and

24 WHEREAS, on _____, 2008, the City Council, at a duly noticed
25 public hearing, took public testimony and input regarding certain proposed new or
26 increased service fees and charges related to the implementation of Chapter 18.21 of the
27 Long Beach Municipal Code; and

28 WHEREAS, California Government Code Section 66000, et. seq.,

1 authorizes the City to adopt service fees and charges for municipal services, provided
2 such fees do not exceed the cost to the City of providing the service; and

3 WHEREAS, in accordance Government Code Section 66016, at least
4 fourteen (14) days prior to the public hearing at which this Resolution was adopted,
5 notice of the time and place of the hearing was mailed to eligible interested parties who
6 filed written requests with the City for mailed notice of meetings regarding new or
7 increased fees or service charges; and

8 WHEREAS, in accordance with the Government Code 66016, data
9 regarding the estimated cost of the services and the revenue sources anticipated to
10 provide the services was available for public review and comment for ten (10) days prior
11 to the public hearing at which this Resolution was adopted; and

12 WHEREAS, publication of the notice of public hearing was given in
13 accordance with the provisions of Government Code Section 6062a, ten (10) days in
14 advance of the public hearing at which the adoption of this Resolution was considered;
15 and

16 NOW, THEREFORE, the City Council of the City of Long Beach hereby
17 resolves as follows:

18 Section 1. The facts set forth in the Recitals of this Resolution are true
19 and correct and are hereby incorporated by reference herein as though set forth in full.

20 Section 2. Adoption of the new or increased service fees and charges
21 set forth and described in this Resolution, and in Exhibit "A" attached hereto, are intended
22 to recover costs necessary to provide the services within the City for which the fees are
23 charged. In adopting the new or increased service fees and charges set forth in this
24 Resolution, the City Council of the City of Long Beach is exercising its powers under
25 Article XI, Section 7 of the California Constitution.

26 Section 3. All requirements of California Government Code Sections
27 66000, et seq., are hereby found to have been satisfied.

28 Section 4. The service fees and charges set forth in Exhibit "A" are

1 reasonable estimates of the costs incurred by the City in providing the services to those
2 who require or request them. The service fees and charges for such services are
3 necessary to recover the reasonable, estimated cost of providing such services.

4 Section 5. The City Council hereby further adopts and approves the new,
5 increased, or adjusted fees and charges as set forth and described in Exhibit "A", which
6 is attached hereto and incorporated herein by this reference, as though set forth in full,
7 word for word.

8 Section 6. The service fees and charges adopted and all portions of this
9 Resolution are severable. Should any of the service fees or charges or any portion of
10 this Resolution be adjudged to be invalid and unenforceable by a body of competent
11 jurisdiction, then the remaining fees and/or Resolution portions shall be, and continue to
12 be, in full force and effect, except as to those fees and/or Resolution portions that have
13 been adjudged invalid. The City Council of the City of Long Beach hereby declares that it
14 would have adopted each of the service fees or charges and this Resolution and each
15 section, subsection, clause, sentence, phrase and other portion thereof, irrespective of
16 the fact that one or more of the service fees, charges or sections, subsections, clauses,
17 sentences, phrases or other portions of this Resolution may be held invalid or
18 unconstitutional.

19 Section 7. All provisions of prior City Council ordinances and resolutions,
20 including, establishing fees which in any way conflicts in part or in whole with this
21 Resolution, are hereby rescinded and repealed in part or in whole to the extent of any
22 conflict. However, the provisions of this Resolution are not meant in any way to affect,
23 repeal or rescind the Civil Remedy or Penalty provisions established by Section
24 18.21.050 of the Municipal Code.

25 Section 8. The establishment of fees and charges herein is exempt from
26 the requirements of the California Environmental Quality Act (CEQA) pursuant to Public
27 Resources Code Section 21080(b)(8) and the adoption of this Resolution is for the
28 purposes of inter alia: (1) meeting operating expenses; (2) purchasing or leasing

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1 supplies, equipment or materials; (3) meeting financial reserve needs and requirements;
2 or (4) obtaining funds for capital projects, necessary to maintain service within the various
3 areas of the City.

4 Section 9. This resolution shall take effect immediately upon its adoption
5 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

6 I hereby certify that the foregoing resolution was adopted by the City
7 Council of the City of Long Beach at its meeting of _____, 2008, by the
8 following vote:

9 Ayes: Councilmembers: _____

10 _____

11 _____

12 _____

13 Noes: Councilmembers: _____

14 _____

15 Absent: Councilmembers: _____

16 _____

17 _____

18 _____
City Clerk

19 _____

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

26 _____

27 _____

28 _____

EXHIBIT A

DEPARTMENT: COMMUNITY DEVELOPMENT - CODE ENFORCEMENT

FY2008

Fee Name	Description	Requested Fee	Per	Annual Occurrences	Annual Revenue Changes	Annual Subsidy	Fund	Index Code	Subject
Substandard Program									
Vacant Building Monitoring									
Various administrative activities related to monitoring Vacant Buildings									
Billing Costs	Preparation of the Vacant Building Levy	\$90	Hour	10	\$900		GP	CDNSCE	708002
Incidental Enforcement Costs	Property Owners pay for Investigations and Inspections of public nuisances	\$90	Hour	10	\$900		GP	CDNSCE	708002
Monthly Monitoring Fee	Vacant building is monitored twice a month; monthly fee will be billed quarterly	\$100	Month	30	\$3,000		GP	CDNSCE	708002
Notice of Lien	Property owners pay for conversion of unpaid Billings to Notice of Lien	\$105	Notice	10	\$1,050		GP	CDNSCE	708002
Preparation of Lien	Bill is not paid in 30 days and lien is sent to the County Recorder	\$60	Lien	10	\$600		GP	CDNSCE	708002
Transfer of Collection to Tax Collector	Property owners pay for transfer of unpaid Liens to Tax Collector (Bill not paid by end of fiscal year)	\$90	Transfer	10	\$900		GP	CDNSCE	708002
Preparation of Termination of Declaration of Vacant or Boarded Building	Document preparation to remove the Notice of Vacant Building recorded against the property title.	\$90	Termination	2	\$180		GP	CDNSCE	708002
Title Search or Lot book guarantee	Ensure property owner information is correct.	\$80	Title/Lot Book	10	\$800		GP	CDNSCE	708002
Issue Inspection Warrant	Warrant required for abate proceedings on private property, includes Inspection Warrant and Forced Entry Warrant	\$370	Warrant	1	\$370		GP	CDNSCE	708002
Code Enforcement Response Fee	City costs including personnel or contracted labor and material or related costs for response time to inspect or respond to boarded or vacant structures to abate substandard or blighted conditions	\$90/hour or actual costs incurred (in the event a contractor is used)	-				GP	CDNSCE	708002