



City of Biggs

Agenda Item Staff Report For the Regular City Council Meeting: February 12, 2019

TO: Honorable Mayor and Members of the City Council
FROM: City Administrator
SUBJECT: Casey/Davis/Crittendon APN 001-181-006 reduction of code enforcement penalties and refund.

Council is asked to consider authorizing the reduction of code enforcement penalties previously assessed to APN 001-181-006 (3007 10th Street), and authorize the City Administrator to refund to (pay) the Butte County Treasurer – Tax collector the amount of \$13,320.00

Background

In a very long running set of code enforcement actions total penalties reached \$33,300 on the related property. Property liens were filed by the City of Biggs.

01/27/2016 a building permit for remodel was issued listing Elisa Crittendon as the property owner and as the applicant.

In December 2017 The City Administrator was approached by a potential purchaser (Elisa Crittendon) of the property. The potential purchaser reported that the City liens caused the seller to consider not completing the sale because the liens caused the arrangement to be un-economical to complete and requested that the lien amount be reduced by 40% (\$13,320) to facilitate and encourage the transfer of ownership and the purported improvements to the parcel, including abatement of the Code Enforcement issues. The promise was to pay the remaining balance within 12 months which has not occurred to date as the property taxes are delinquent.

The City Administrator discussed this concept with the City Attorney and the Code Enforcement Hearing officer (Mayor Thompson) who supported the reduction to facilitate the ownership transfer and most importantly to facilitate the promised property improvements which included abatement of the code enforcement issues.

08/08/2018 Resolution 2017-15 authorized a property tax levy which included some delinquent utility amounts and the code enforcement penalties of \$33,300. This "Direct Assessment" moved the amounts owed onto the property tax rolls and appears to remain outstanding to this date.

When the City of Biggs makes a "Direct Assessment" two notable actions occur:

- 1) The amount is added to the property tax collection on the parcel of land.
- 2) Butte County forwards 100% of the funds to the City of Biggs.
 - a. The City of Biggs has received 100% of this Direct Assessment.

01/09/2018 Parcelquest indicates that a transfer of ownership occurred and indicates that the sales price was \$100,000.

Recently the City Administrator became aware of the lack of resolution of this matter. The apparent new owner (Elisa Crittendon) has requested that the city reduce its Code Enforcement assessment by the previously agreed 40% (or \$13,320). In reviewing this long and complicated matter, it is notable that while far from completion, Elisa Crittendon has made very substantial progress toward the renovation of a once prominent home at 3007 10th Street, therefore the City Administrator recommends the Code Enforcement penalty reduction.

Because the related Direct Assessment did become a property tax collection issue, And the City of Biggs has received full payment, the clearest path appears to be to refund the amount of \$13,320 via a payment to the Butte County Treasurer – Tax Collector to be credited to Assessment number 001-181-006.

Recommendation: Authorize payment in the amount of \$13,320 to the Butte County Treasurer – Tax Collector to be credited to Assessment number 001-181-006.

Mark Sorensen, City Administrator

RESOLUTION 2017-15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIGGS APPROVING
AND CONFIRMING THE REPORT OF DELINQUENT UTILITY CHARGES AND
AUTHORIZING THE CITY CLERK TO TAKE NECESSARY ACTIONS TO
EFFECTUATE THE LEVY OF DELINQUENT CHARGES
IDENTIFIED IN THE REPORT**

WHEREAS, the City of Biggs (City) provides certain utility services to its citizens; and,

WHEREAS, it is in the best interest of the City and all rate payers for the City to pursue the most effective and secure collections actions allowable by law on all delinquent accounts for which such action is permissible under the law; and,

WHEREAS, the accounts listed on the Report of Delinquent Charges (Report), attached as Exhibit A, have not paid their accounts in a timely fashion and are subject to levy on the tax roll pursuant to Biggs Municipal Code section 10.30.070, Revenue and Taxation Code section 327, Health and Safety Code sections 5473 et. seq.; and,

WHEREAS, on July 21, 2017, the account holders of accounts listed in the Report were mailed a notification of the City's intention to consider placement of their delinquent charges on the tax roll at a date and time consistent with tonight's hearing and on July 26, 2017 and August 2, 2017, notice of the hearing was published in the Gridley Herald; and,

WHEREAS, the assessment being levied is in compliance will all laws pertaining to it, including, but not limited to Proposition 218; and,

WHEREAS, the assessment is being levied without regard to property valuation of the properties involved; and,

WHEREAS, the authority for the levy is set forth in Health and Safety Code sections 5473 et seq., and the purpose of the assessment is to secure payment to the City of Biggs of delinquent utility payments; and,

WHEREAS, after a hearing held at the time and place set forth in the notice, the City Council wishes to effectuate the collection of the delinquent charges in the Report through placement of the charges identified therein on the Butte County (County) tax roll.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Biggs hereby approves, confirms and authorizes:

1. The foregoing recitals are true and correct and this Council so determines.
2. The City Council directs the City Clerk to make any amendments to the Report as necessary, removing parcels from the report for which payment has been made before August 8, 2017. The City Council hereby approves, confirms and adopts the Report, amended as

authorized and attached hereto and incorporated herein by reference and determines that each charge is proper and correct.

3. The City Council hereby levies the delinquent charges identified in the confirmed Report for Fiscal Year 2017-2018 at the amounts, attached as Exhibit A. The City Clerk is hereby authorized and directed to file the Special Assessment roll with the Auditor of the County of Butte.

4. This Resolution shall take effect immediately upon adoption.

I certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Biggs at its regular meeting of August 8, 2017 by the following vote:

AYES: Council Members: Frith, Wilkinson and Thompson

NOES: Council Members: _____

ABSENT: Council Members: Arnold and Sheppard

ABSTAIN: Council Members: _____

ATTEST:


Roben Dewsnup
CITY CLERK

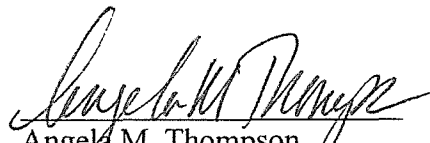

Angela M. Thompson
MAYOR

EXHIBIT A
REPORT OF DELINQUENT UTILITY CHARGES
City of Biggs
Listing of Delinquent Utility Fees and Charges for
Collection on the 2017-2018 Tax Bill

Parcel Number	Amount of Levy Tax	Code
001-011-023-000	\$4000	70002
001-041-021-000	\$1,285	70002
001-051-017-000	\$1,776	70002
001-081-008-000	\$1,000	70002
001-081-018-000	\$3,484	70002
001-081-020-000	\$728	70002
001-092-008-000	\$1,587	70002
001-181-006-000	\$34,071	70002
022-170-039-000	\$1,464	70002
022-170-057-000	\$770	70002
022-350-033-000	\$3,104	70002

12/28/2017

Mark

As Per our conversation I have spoken with Mr Casey who feels if the City could help him out by forgiving 40% of the amount owed in his fines, then Mr Casey and I will be able to close our deal with the sale of the home at 3007 10th Street Biggs Ca.

Mr. Casey is signing this in appearance to this

Thank you
X ~~Rufas Casey~~
Rufas Casey

X Elisa Catterdon
Buyer

Elisa Davis

12-29-17

Attention Mark (City of Biggs Ca.)

Regarding our conversation concerning Rufas Caseys Lien he has with the City of Biggs, On the Home I am buying at 3007 10th Street Biggs Ca 95917.

The City has agreed to forgive and reduce the lien amount by 40% leaving a balance due of \$19,980.

to be paid by myself and Rufas within the 6 to 12 month time period.

Mr Casey understands that this Lien is his lien, and he is responsible for it.

But at the time of the sell of my Home in Oregon, myself and Rufas will come into the City and the amount of this Lien will be paid to the City

before any other payouts to Rufas Casey for the balance of the

sell purchase price I paid Rufas for his home, at 3007 10th Street Biggs Ca. 95917. I want to thank

The City of Biggs for their help resolving this matter

Elise C. Davis

12-29-17

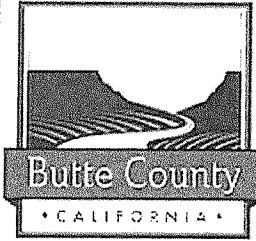
Dear Mr. Casey

At The request of Ms Elisha Davis the City of Biggs is prepared to reduce the Lien you have with the city of Biggs to the Amount of \$19,980.00 this is a 40% percent reduction.

This is base on the agreement that you and Elisa have in place now on the purchase of the Home located at 3007 10th St Biggs Ca 95917.

The city of Biggs looks forward to resolving this matter as soon as possible. Thank you for your Attention regarding this matter.

City of Biggs



Butte County
Department of Development Services

Main: 530.552.3700
 Automated Inspection Phone Line: 530.538.4365
 Online Inspection Scheduling / Payments / Renewals:
ButteCounty.net/DDS

Applied Date: 1/27/2016
 Permit No.: B16-0174
 Type: MISCELLANEOUS
 Sub-Type: REMODEL

Site Address: **3007 10TH STREET BIGGS,
 CA 95917**

Site APN: **001-181-006**

Subdivision:

Site Block:

Site Lot:

Valuation: **\$56,000.00**

Site Tract:

Permit Status: **ISSUED**

Description of Work:

REPLACE FOUNDATION AND REMODEL HOUSE (2544)

Contractor: **OB**
 Address:
 Phone:

Owner: **ELISA CRITTENDON**
 Address: **3007 10 STREET
 BIGGS CA 95917**
 Phone: **(541) 497-4971**

Applicant: **ELISA CRITTENDON**
 Address: **3007 10 STREET
 BIGGS CA 95917**
 Phone: **(541) 497-4971**

No Data To Display

TOTAL FEES	\$3,748.98
TOTAL FEES PAID	\$3,748.98
TOTAL FEES DUE	\$0.00

B16-0174



1 Property Address: 3007 10TH ST BIGGS CA 95917

Ownership

County: **BUTTE, CA**
 Assessor: **DIANE BROWN, ASSESSOR**
 Parcel # (APN): **001-181-006-000**
 Parcel Status: **ACTIVE**
 Owner Name: **CRITTENDON ELISA**
 Mailing Address: **PO BOX 624 BIGGS CA 95917**
 Legal Description: **PCL 2 OF 185 MOR 6 (DOTY HOUSE)**

Assessment

Total Value:	\$44,904	Use Code:	RS	Use Type:	RESID. SINGLE FAMILY
Land Value:	\$27,795	Tax Rate Area:	001-000	Zoning:	
Impr Value:	\$17,109	Year Assd:	2018	Census Tract:	36.00/2
Other Value:		Property Tax:	\$568.36	Price/SqFt:	\$32.63
% Improved:	38%	Delinquent Yr:			
Exempt Amt:		HO Exempt:	N		

Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	01/09/2018			01/09/2018
Document Number:	2018R0000679			2018R0000679
Document Type:	GRANT DEED			
Transfer Amount:	\$100,000			
Seller (Grantor):	CASEY RUFUS			

Property Characteristics

Bedrooms:	5	Fireplace:		Units:	1
Baths (Full):	2	A/C:		Stories:	2.0
Baths (Half):		Heating:	WALL	Quality:	5.5
Total Rooms:		Pool:		Building Class:	D
Bldg/Liv Area:	3,065	Park Type:		Condition:	
Lot Acres:	0.330	Spaces:		Site Influence:	
Lot SqFt:	14,374	Garage SqFt:		Timber Preserve:	
Year Built:	1878			Ag Preserve:	
Effective Year:	1878				

C04wTBDSRTL
2.4.015

BUTTE COUNTY 2018 - 2019 PROPERTY TAX BILL

Treasurer-Tax Collector

10/10/2018
3:44:39PM

25 County Center Drive, Ste. 125 Oroville, CA 95965-3367 (530) 552-3720

DELINQUENT SECURED TAX ROLL FOR FISCAL YEAR JULY1, 2018 THROUGH JUNE 30, 2019

PROPERTY INFORMATION		IMPORTANT MESSAGES
ASMT NUMBER: 001-181-006-000	TAX RATE AREA: 001-000	Prior year delinquent taxes exist on this parcel New owner bill Default #DEF180000017, default date 06/30/2018 Pav your taxes online at www.buttecounty.net/ttc <div style="font-size: 2em; opacity: 0.5; text-align: center;">2018-2019</div>
FEE NUMBER: 001-181-006-000	ACRES: .33	
LOCATION: 3007 10TH ST		
ASSESSED OWNER: CASEY RUFUS		
CRITTENDON ELISA PO BOX 624 BIGGS CA 95917		

DEFAULT NUMBER / DATE	ASMT NUMBERS	ROLL YEAR	TAXES	PENALTIES	COST	TOTAL
DEF180000017 06/30/2018	001-181-006-000	2017	34,630.22	3,463.02	31.00	38,124.24

TOTALS 34,630.22 3,463.02 31.00 38,124.24

SUMMARY OF CHARGES		LESS SUMMARY OF CREDITS		BALANCE
Total taxes, penalties & cost	38,124.24	Prior pymt plan pymts	EITHER A PAYMENT PLAN OR FULL PAYMENT	
Redemption interest/penalties	2,077.81	Curr pymt plan pymts	MUST BE MADE BY 10/31/2018	
Redemption fee	15.00		Payment plan	8,043.41
Other fees			Full payment	40,217.05
Total charges	40,217.05	Total credits		

PAY BY 10/31/2018 TO AVOID ADDITIONAL PENALTIES.
TO REDEEM IN FULL, PAY THE FULL PAYMENT AMOUNT. TO MAKE A PAYMENT, PAY THE PAYMENT PLAN AMOUNT.

RETAIN TOP PORTION FOR YOUR RECORDS

DETACH STUB

DETACH STUB

BUTTE COUNTY DELINQUENT SECURED PROPERTY TAXES - FULL PAYMENT STUB

ASMT NUMBER: 001-181-006-000	2017	MAKE CHECK PAYABLE TO:
FEE NUMBER: 001-181-006-000		Butte County Tax Collector
LOCATION: 3007 10TH ST		25 County Center Drive, Ste. 125
CURRENT OWNER: CRITTENDON ELISA		Oroville, CA 95965-3367
PO BOX 624		
BIGGS CA 95917		

Full Payment

IF PAID BY 10/31/2018 \$40,217.05

AMOUNT DUE BELOW IS BASED ON
MONTH PAYMENT IS POSTMARKED OR RECEIVED BY TAX COLLECTOR

JULY	SEPT	39,697.60	NOV	40,736.50	JAN	41,775.40	MAR	42,814.30	MAY	43,853.20
AUG	OCT	40,217.05	DEC	41,255.95	FEB	42,294.85	APR	43,333.75	JUNE	44,372.65

001181006000120172000040217050700003812424320172

DETACH STUB

DETACH STUB

Asmt: 001-181-006-000 Tax Year 2017 As Of Date 10/10/2018 Owner's Name CRITTENDON ELISA

Code	Description	Base	Rate	Tax Amo...	Pen Amo...	Tax Amo...	Pen Amo...	Asmt Total	Tax Code ...
00001	LOCAL AGENCY, GENERAL	7	1.000000	\$0.00	\$0.00	\$440.24	\$41.10	\$481.34	\$440.24
26350	BUTTE COLLEGE 2016J SERIES A	7	0.023680	\$0.00	\$0.00	\$10.42	\$1.04	\$11.46	\$10.42
26305	BUTTE COLL 2015 RFHNG 2002 S...	7	0.013586	\$0.00	\$0.00	\$5.98	\$0.58	\$6.56	\$5.98
26600	BUTTE COLL 2012 RFHNG 2002 S...	7	0.006500	\$0.00	\$0.00	\$2.86	\$0.28	\$3.14	\$2.86
26500	BUTTE COLL 2002A SERIES C	7	0.002794	\$0.00	\$0.00	\$1.24	\$0.12	\$1.36	\$1.24
70002	CITY OF BIGGS-DELIQ CHARGES	1	0.000000	\$0.00	\$0.00	\$34,071.00	\$3,407.10	\$37,478.10	\$34,071.00
68301	GRIDLEY - BIGGS CEMETERY	1	0.000000	\$0.00	\$0.00	\$18.00	\$1.80	\$19.80	\$18.00
68202	BUTTE MOSQUITO VECTOR DISE...	1	0.000000	\$0.00	\$0.00	\$9.68	\$0.96	\$10.64	\$9.68
67014	REC #833-URBAN ASSMT	1	0.000000	\$0.00	\$0.00	\$12.00	\$1.20	\$13.20	\$12.00
66301	SB FLOOD CONTROL AGENCY	1	0.000000	\$0.00	\$0.00	\$40.18	\$4.00	\$44.18	\$40.18
65005	DWR INT. AREA 7, Z1	1	0.000000	\$0.00	\$0.00	\$1.12	\$0.10	\$1.22	\$1.12
61032	CSA31 SCHOHR'S SWIM POOL	1	0.000000	\$0.00	\$0.00	\$17.50	\$1.74	\$19.24	\$17.50

city of Biggs

TRA	001-000	Tax Amount 1	Pen Amount 1	Tax Amount 2	Pen Amount 2
Total Taxes	\$0.00	\$0.00	\$460.74	\$46.12	
Total Direct Charges	\$0.00	\$0.00	\$34,169.48	\$3,416.90	
Total Taxes + Direct Charges	\$0.00	\$0.00	\$34,630.22	\$3,463.02	

City

IF Paid By 10-31-18

Back Taxes are \$ 5586.83
 are due

City Bill is 34,071.00