

RESOLUTION NO. 6607(23)

**A Resolution of the City Council of the City of Lompoc
Authorizing and Directing Recovery of Previously Approved
Costs of Nuisance Abatement at 127-129 North E Street,
Lompoc, California, via Recordation of a Lien and Collection
via Special Assessment**

WHEREAS, Lompoc Municipal Code Chapter 17.628 establishes provisions for declaring property nuisances, and sets forth procedures by which the City of Lompoc (City) may abate such nuisances and recover the costs of the abatement via recordation of a lien, and collection via special assessment; and

WHEREAS, pursuant to Lompoc Municipal Code Section 17.628.040, the City served a Notice and Order to Abate, dated June 5, 2023, directing the property owner(s) of 127-129 North E Street, Lompoc, California (APN 085-131-004) to abate nuisance conditions—overgrown vegetation and items stored in public view in the rear yard of the 129 North E unit—with the Notice and Order to Abate being served by posting at the property, and via certified mail to the property owner at the addresses listed in documents recorded with the County of Santa Barbara Clerk, Recorder, Assessor & Elections Department; and

WHEREAS, the property owner(s) had up to and including June 20, 2023, to respond and abate the described nuisance conditions, or file a written request to the City Clerk appealing the determination set forth in the Notice and Order to Abate; and

WHEREAS, the City Clerk did not receive a written request appealing the determination set forth in the Notice and Order to Abate, from the property owner; and

WHEREAS, on July 20, 2023, the City obtained an abatement warrant issued by the Santa Barbara County Superior Court, the Honorable Jed Beebe, Superior Court Judge; and

WHEREAS, on August 2, 2023, the City confirmed the public nuisance had been abated by the property owner(s) pursuant to the abatement warrant, which included clearing out the vegetation and items stored in the rear yard of unit 127 in public view from the alleyway; and

WHEREAS, Lompoc Municipal Code Section 17.628.090(A)(1) authorizes recovery of costs, including attorney's fees and incidental expenses for abating any public nuisance on the parcel where the work is done, upon preparation of an itemized report to the City Council; and

WHEREAS, the itemized report, attached to this Resolution as a Memorandum of Costs, shows the cost of incidental expenses to include the actual and overhead expenses and cost of the City to prepare notices, specifications and contracts, and to inspect the work, and the costs of printing and mailing required; and

WHEREAS, pursuant to Lompoc Municipal Code 17.628.090(A)(2), the Memorandum of Costs was posted at the subject property and mailed to the addresses listed in documents recorded with the County of Santa Barbara Clerk, Recorder, Assessor & Elections Department, along with a notice of the date and time of the City Council meeting during with the Memorandum of Costs would be considered, on October 3, 2023; and

WHEREAS, pursuant to Lompoc Municipal Code 17.628.090(B), the City Council considered the Memorandum of Costs, together with any objections or protests made, at a regularly noticed meeting on October 3, 2023, at least 10 days after service and posting of the Memorandum of Costs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Assessment of Costs as a Lien.

The Memorandum of Costs considered and approved at the October 3, 2023, regular meeting of the City Council is hereby confirmed and assessed as a lien upon the subject property, and the Community Development Director is directed to prepare and record a Notice of Lien, in accordance with Lompoc Municipal Code 17.628.090(C)(1)(b), with the County of Santa Barbara Clerk, Recorder, Assessor & Elections Department.

SECTION 2. Collection as Special Assessment.

The City Clerk is hereby authorized to direct the collection of the amount set forth in the recorded Notice of Lien by the County of Santa Barbara, at the same time and in the same manner as ordinary property taxes are collected, and subject to the same penalties and procedures under foreclosure and sale in case of delinquency as provided for such taxes, in accordance with Lompoc Municipal Code 17.628.090(C)(2).

SECTION 3. Effective Date. This Resolution is effective on the day of its adoption.

The foregoing Resolution was proposed by Council Member _____, seconded by Council Member _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on October 3, 2023, by the following vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

ATTEST:

Stacey Haddon, City Clerk
City of Lompoc

Attachment: Memorandum of Costs

MEMORANDUM OF COSTS

Aleshire & Wynder LLP

Fees

01079 City of Lompoc / 0011 Code Enforcement

ID	Status	Date	Billable	Timekeeper per	Client	Matter	Narrative	Hours	Amount	Bill	Billed Total
3181656	Paid	5/10/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) EMAILED PARALEGAL SCHWAB REGARDING STATUS OF DETERMINATION AS TO NEXT COURSE OF ACTION; RECEIVED AND REVIEWED EMAIL FROM PARALEGAL SCHWAB REGARDING LACK OF DETERMINATION AS TO NEXT COURSE OF ACTION; CALENDARED FOLLOW UP	00.20	28.00	71990	28.00
3181658	Paid	5/11/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) RECEIVED AND REVIEWED EMAIL FROM PARALEGAL SCHWAB AND MR. ALBRO TO PROCEED WITH CITY'S ABATEMENT OF PROPERTY; DRAFTED NOTICE AND ORDER TO ABATE	00.50	70.00	71990	70.00
3164148	Paid	5/17/2023	Billable	GRT	01079	0011	(127 & 129 N. E ST.) REVIEW AND REVISE COMPLIANCE LETTER; DIRECT FOLLOW UP RE EXECUTION AND SERVICE	00.30	64.50	71990	64.50
3167327	Paid	5/31/2023	Billable	JMM	01079	0011	(127 & 129 NORTH E STREET) REVIEW, REVISE, AND COMMENT ON DRAFT NOTICE AND ORDER TO ABATE FROM PARALEGAL MOORE	01.00	215.00	71990	215.00
87859	Paid	6/1/2023	Billable	JMM	01079	0011	(127 & 129 NORTH E STREET) REVIEW SECOND DRAFT OF COMPLIANCE LETTER FROM PARALEGAL MOORE, RESEARCH RE TRASH CAN IN BACKYARD ISSUE AND DIRECTION TO PARALEGAL MOORE RE REMOVING VIOLATION	00.30	64.50	76883	64.50
87847	Paid	6/1/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) REVISED NOTICE AND ORDER TO ABATE; EMAILED SAME TO PARALEGAL SCHWAB; CALENDARED DEADLINE	00.30	42.00	76883	42.00
88195	Paid	6/2/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) RECEIVED AND REVIEWED EMAILS FROM PARALEGAL SCHWAB REGARDING DELAY IN POSTING AND MAILING OF NOTICE AND ORDER TO ABATE; CALENDARED NEW DEADLINE FOR COMPLIANCE	00.10	14.00	76883	14.00
3309497	Paid	6/21/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) EMAILED PARALEGAL SCHWAB REGARDING STATUS OF COMPLIANCE FOLLOWING DEADLINE PROVIDED IN NOTICE AND ORDER TO ABATE; RECEIVED AND REVIEWED EMAIL AND NUMEROUS PHOTOGRAPHS FROM PARALEGAL SCHWAB REGARDING CONTINUED VIOLATIONS; BEGAN DRAFTING APPLICATION FOR ABATEMENT WARRANT	01.60	224.00	76883	224.00
3309749	Paid	6/27/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) CONTINUED DRAFTING APPLICATION FOR ABATEMENT WARRANT AND SUPPORTING DECLARATIONS; GATHERED AND ORGANIZED EXHIBITS FOR SAME	01.80	252.00	76883	252.00
3316024	Billed	7/7/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) REVISED DECLARATION OF PARALEGAL SCHWAB IN SUPPORT OF APPLICATION FOR ABATEMENT WARRANT; EMAILED SAME TO PARALEGAL SCHWAB FOR REVIEW AND SIGNATURE; CALENDARED FOLLOW UP	00.20	29.00	78297	29.00
3316016	Billed	7/7/2023	Billable	GRT	01079	0011	(127 & 129 N. E ST.) REVIEW AND REVISE APPLICATION FOR ABATEMENT WARRANT; DIRECT FOLLOW UP RE EXECUTION OF SUPPORTING DECLARATION AND FILING	00.90	202.50	78297	202.50
3316538	Billed	7/10/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) DRAFTED PROPOSED ABATEMENT WARRANT; FINALIZED APPLICATION FOR ABATEMENT WARRANT, SUPPORTING DECLARATION AND EXHIBITS; PREPARED SAME FOR FILING	00.40	58.00	78297	58.00
3317488	Billed	7/11/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) DRAFTED CIVIL CASE COVER SHEET AND ADDENDUM FOR FILING OF APPLICATION FOR ABATEMENT WARRANT	00.40	58.00	78297	58.00
3325104	Billed	7/25/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) RECEIVED AND REVIEWED SIGNED ABATEMENT WARRANT FROM COURT; EMAILED SAME TO PARALEGAL SCHWAB FOR POSTING; CALENDARED DEADLINE	00.20	29.00	78297	29.00
3325252	Billed	7/26/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) EXCHANGED EMAILS WITH PARALEGAL SCHWAB REGARDING COMMUNICATIONS WITH OCCUPANT REGARDING POSSIBLE VOLUNTARY ABATEMENT AND CITY'S INTENT TO PROCEED	00.10	14.50	78297	14.50
3326280	Billed	7/28/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) RECEIVED AND REVIEWED EMAIL AND PHOTOGRAPHS INADEQUATE VOLUNTARY ABATEMENT OF PROPERTY AND CITY'S PENDING ABATEMENT OF PROPERTY	00.20	29.00	78297	29.00
01079 City of Lompoc / 0011 Code Enforcement											
ID	Status	Date	Billable	Timekeeper per	Client	Matter	Narrative	Hours	Amount	Bill	Billed Total
3327478	Tagged	8/1/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) RECEIVED AND REVIEWED EMAIL AND NUMEROUS PHOTOGRAPHS FROM PARALEGAL SCHWAB OF PROPERTY PRIOR TO CITY'S ABATEMENT	00.10	14.50	79403	14.50
3328553	Tagged	8/2/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) RECEIVED AND REVIEWED EMAIL AND PHOTOGRAPHS FROM PARALEGAL SCHWAB REGARDING ABATED PROPERTY BY OCCUPANT; RECEIVED AND REVIEWED CORRESPONDENCE FROM OCCUPANT OF PROPERTY WITH ITEMIZATION OF VOLUNTARY ABATEMENT OF PROPERTY	00.30	43.50	79403	43.50
3329090	Tagged	8/3/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) DRAFTED RETURN TO WARRANT; GATHERED SUPPORTING EXHIBITS; EMAILED SAME TO PARALEGAL SCHWAB FOR REVIEW AND SIGNATURE; PREPARED SAME FOR FILING	00.70	101.50	79403	101.50
3329967	Tagged	8/4/2023	Billable	RMH	01079	0011	(127 & 129 N. E ST.) DIRECT FURTHER HANDLING RE ABATEMENT WARRANT AND RETURN TO SAME; DEVELOP AND REFINE FURTHER HANDLING STRATEGIES	00.50	112.50	79403	112.50
3333121	Tagged	8/15/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) RECEIVED AND REVIEWED RETURN TO WARRANT SIGNED BY JUDGE; CLOSED FILE DUE TO COMPLETION OF ABATEMENT AND COMPLIANCE ACHIEVED	00.20	29.00	79403	29.00
3334125	Tagged	8/16/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) RESEARCHED COURT'S DOCKET TO ENSURE VACATION OF CASE MANAGEMENT CONFERENCE DUE TO ENTRY OF RETURN TO WARRANT	00.20	29.00	79403	29.00
3341941	Posted	9/1/2023	Billable	RKM	01079	0011	(127 & 129 N. E ST.) EXCHANGED EMAILS WITH PARALEGAL SCHWAB REGARDING NEED FOR LEGAL FEES AND COSTS TO BE INCLUDED IN PURSUIT FOR ABATEMENT LIEN FOR CITY'S PURSUIT OF ABATEMENT OF PROPERTY	00.10	14.50		0.00
								10.60	1,738.50		1,724.00