



CITY OF CLEARLAKE

City Council

STAFF REPORT

SUBJECT: Introduction for first reading Ordinance No. 265-2022
Amending Chapter 10, Section 10-3.5 of the Clearlake
Municipal Code Relating to Appealing Abatement
Orders to the City Council

MEETING DATE: July 21,
2022

SUBMITTED BY: Ryan Jones, City Attorney

PURPOSE OF REPORT: ☐ Information only ☒ Discussion ☒ Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

City Council is being asked to consider introducing and holding a first reading of an ordinance amending the section of the Clearlake Municipal Code related to Appeal of Abatement Orders to the City Council. These minor amendments will improve the procedures for appeal hearings consistent with best practices.

BACKGROUND/DISCUSSION:

On occasion, the City Council will serve as the appellate body for appeals of abatement orders, pursuant to Section 10-3.5 of the Clearlake Municipal Code. In conducting these appeals, it has come to staff's attention that procedural elements of the appeal hearing can be improved. This code amendment would implement those improvements. The proposed modifications are not intended to create any substantive due process changes for the appellant. Instead, this amendment will streamline the language in the code section such that the procedures are more easily followed by both the appellant and the City. In addition, this ordinance would require a person submitting an appeal to first file an appeal fee, which the amount would be set by separate resolution.

Environmental Considerations: Adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

OPTIONS:

1. Introduce the ordinance and hold the first reading, and set for a second reading and adoption at a subsequent Council meeting
2. Give alternate direction to staff

FISCAL IMPACT:

☒ None ☐ Budgeted Item? ☐ Yes ☐ No

Budget Adjustment Needed? ☐ Yes ☐ No If yes, amount of appropriation increase: \$

Affected fund(s): ☐ General Fund ☐ Measure P Fund ☐ Measure V Fund ☐ Other:

Comments:

STRATEGIC PLAN IMPACT:

- ☒ Goal #1: Make Clearlake a Visibly Cleaner City
- ☐ Goal #2: Make Clearlake a Statistically Safer City
- ☐ Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities
- ☒ Goal #4: Improve the Image of Clearlake
- ☐ Goal #5: Ensure Fiscal Sustainability of City
- ☒ Goal #6: Update Policies and Procedures to Current Government Standards
- ☐ Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Introduction and first reading of Ordinance No. 265-2022: AN ORDINANCE AMENDING CHAPTER 10, SECTION 10-3-5 OF THE CLEARLAKE MUNICIPAL CODE RELATED TO APPEALING ABATEMENT ORDERS TO THE CITY COUNCIL, read by title only and set second reading and adoption for the August 4, 2022 meeting.

ATTACHMENT:

1. Ordinance No. 265-2022