



STAFF REPORT	
<b>SUBJECT:</b> Introduction for first reading Ordinance No. 268-2023 Amending Chapter X, Section 10-1.12 of the Clearlake Municipal Code Relating to Method of Service for Property Maintenance, Nuisance and Vehicle Abatement	<b>MEETING DATE:</b> February 16, 2023
<b>SUBMITTED BY:</b> Alan Flora, City Manager, Tim Hobbs, Chief of Police, and Ryan Jones, City Attorney	
<b>PURPOSE OF REPORT:</b> <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> 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 Method of Service section of the City’s Municipal Code as it relates to Property Maintenance, Nuisance and Vehicle Abatement.

**BACKGROUND/DISCUSSION:**

Staff commonly audits the Clearlake Municipal Code and looks for provisions that are in need of updating based on best practices and compliance with the current law. Section 10-1.12 has not been updated since 2012, and should be modified so as to align with current and best practices in the City, and to be consistent with other section of the municipal code.

In conjunction with the Clearlake Police Department, staff reviewed the administrative citation appeal process and related municipal code sections and discovered some inconsistencies in 10-1.12 (Method of Service) as compared to the City’s more recently adopted Method of Service for administrative citations in 1-9 of the Municipal Code. The language in Section 10-1.12 provides for additional noticing that is not consistent with best practices and is not practical. For example, the Code currently provides that all notices are sent via certified mail. Staff recommends the City only send final abatement notices via certified mail. Such action will not impede due process and still provides the person receiving the notices with adequate and appropriate notice of the proposed actions. Moreover, the attached revisions sync with the provisions outlined in Section 1-9 of the Clearlake Municipal Code.

**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 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. 268-2023: AN ORDINANCE AMENDING CHAPTER X, SECTION 10-1.12 OF THE CLEARLAKE MUNICIPAL CODE RELATED TO METHOD OF SERVICE for Property Maintenance, Nuisance and Vehicle Abatement, read by title only and set second reading and adoption for the March 2, 2023 meeting.

**ATTACHMENT:**

1. Ordinance No. 268-2023