



## AGENDA MEMORANDUM

**CONTACT:** Kirsten Garcia, City Secretary

**SUBJECT:** Consider and take action on an ordinance amending Chapter 12, Section 12-232 of the Code of Ordinances to authorize recovery of lien filing and administrative costs

**SUMMARY:** The proposed ordinance amends Chapter 12, Section 12-232 of the City of Richwood Code of Ordinances to clarify the City's authority to recover costs incurred in filing, recording, releasing, and enforcing liens related to work or improvements performed by the City. The amendment authorizes recovery of county clerk filing fees and related administrative costs as part of the lien amount.

**BACKGROUND INFORMATION:** Chapter 12, Section 12-232 of the Code of Ordinances currently authorizes the City to place a lien on property to recover expenses incurred for certain work or improvements, and to assess interest on those expenditures. While the ordinance clearly authorizes recovery of abatement or improvement costs, it does not explicitly address whether costs incurred by the City to file, record, release, or enforce a lien, such as county clerk recording fees and administrative expenses, may also be recovered from the property owner.

As part of a routine review of enforcement procedures and best practices, staff identified the need to clarify this authority to ensure consistency with state law and to protect the City's ability to fully recover costs directly associated with lien enforcement.

**ISSUE:** Without explicit authorization in the ordinance, recovery of lien filing, recording, and release costs from the property owner may be subject to challenge. Clarifying this authority in the Code ensures transparency, consistency, and proper cost recovery.

**FISCAL IMPACT:** Approval of the ordinance is not expected to create a new fiscal impact. The amendment allows the City to recover costs already incurred in connection with lien enforcement that are currently paid by the City, rather than absorbing those expenses.

**RECOMMENDATION:** Staff recommends approval of the ordinance amending Chapter 12, Section 12-232 of the Code of Ordinances to authorize recovery of lien filing and administrative costs.

Thank you,

A handwritten signature in blue ink that reads "K. Garcia".

Kirsten Garcia