# RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU

# RESCINDING AUTHORIZATION TO RECORD PROPERTY LIENS FOR UNPAID ADMINISTRATIVE FINES, DIRECTING THE CLERK OF THE BOARD AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE NOTICES OF RESCISSION OF LIEN FOR PROPERTIES SUBJECT TO LIEN FOR UNPAID ADMINISTRATIVE FINES, AND DIRECTING STAFF TO CONTINUE TO RECOVER UNPAID ADMINISTRATIVE FINES THROUGH OTHER MECHANISMS

# AVAILABLE AT LAW

WHEREAS, in June of 2020, the Board of Supervisors adopted amendments to Chapter 14 of Title 10 of the Siskiyou County Code, which included the addition of Section 10-14.100(g)(3), authorizing real property liens to recover unpaid administrative fines and penalties for violations of Chapter 14; and,

WHEREAS, thereafter on January 19, 2021, June 1, 2021, March 16, 2021, October 19, 2021, November 2, 2021, following public hearings and consideration of written or oral protests, the Board of Supervisors through Resolutions No. 21-17, 21-40, 21-76, 21-149, and 21-157 (the “2021 Resolutions”) authorized the County Clerk to execute and file Notices of Property Liens in the County recorder’s office for unpaid administrative fines for the properties listed therein pursuant to Siskiyou County Code section 10-14.100(g)(3); and

WHEREAS, certain other liens to enforce unpaid administrative citations have been recorded by the Community Development Director pursuant to Siskiyou County Code Section 1-5.09(l)(3), following personal service of notice of intention to record a lien upon the property owner and after awaiting thirty days for any response from that property owner, which are identified in Attachment “A”; and

WHEREAS, on December 5, 2023, following public hearings the Board of Supervisors repealed Siskiyou County Code section 10-14.100(g)(3) and Section 1-5.09(l)(3), which formerly provided for the collection of unpaid administrative fines through the administrative imposition of property liens; and

WHEREAS, Siskiyou County Code sections 10-14.100(g)(1) (debt collection) and (g)(2) (civil action), along with Sections 1-5.09(l)(1) (debt collection) and (l)(2) (civil action/small claims court), continue to provide the County with other avenues to recover unpaid administrative fines; and

WHEREAS, the Board of Supervisors desires that unpaid administrative fines be collected through means other than the former code sections referenced above.

NOW, THEREFORE, BE IT RESOLVED by the Siskiyou County Board of Supervisors that the Board of Supervisors rescinds its prior authorization to record property liens under Resolutions 21-17, 21-40, 21-76, 21-149, and 21-157 for unpaid administrative fines and directs the County Clerk to execute and record Notices of Rescission of Property Lien for the properties in those resolutions.

FURTHER BE IT RESOLVED, that the unpaid administrative fines shall remain a debt and be collected through any mechanism available to the County at law, unless otherwise approved for discharge by the Board or the County Administrator.

FURTHER BE IT RESOLVED that the Director of Community Development is directed to file Notices of Rescission of Property Liens for the properties identified in Attachment “A” subject to a lien recorded under the authority of Section 1-5.09(l)(3), and to recover uncollected fines through other mechanisms available at law.

PASSED AND ADOPTED by the Siskiyou County Board of Supervisors at a regular meeting of said Board, held on the 16th day of January, 2023, by the following vote

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael N. Kobseff, Chair

Siskiyou County Board of Supervisors

ATTEST:

LAURA BYNUM,

COUNTY CLERK

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_