

RESOLUTION NO. 28389

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE AMOUNT OF A SPECIAL ASSESSMENT, CONFIRMING AND ORDERING THE RECOVERY OF PENALTIES AND COSTS ASSESSED AND IMPOSED BY THE ADMINISTRATIVE HEARING OFFICER FOR VIOLATIONS OF CITY CODE PROVISIONS OCCURRING ON THE PROPERTY AT 2508 MONTGOMERY DRIVE, SANTA ROSA, A.P.N. 013-051-002, AND ORDERING THE ASSESSMENT BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

WHEREAS, Government Code Section 53069.4 provides that cities may establish fines, penalties, and forfeitures applicable to an administrative hearing process that governs the imposition, enforcement, collection, and administrative review of those administrative fines and penalties; and

WHEREAS, included in the Penalty and Fine Schedule are the administrative costs, which may encompass any and all costs incurred by the City in connection with the matter before the hearing officer including, but not limited to: costs of investigation, staffing costs, attorneys' fees incurred in preparation for the hearing and for the hearing itself, services of the Hearing Officer, any abatement costs, and costs for all re-inspections necessary to enforce the Notice and Order; and

WHEREAS, on July 25, 2013, the City of Santa Rosa (City) Code Enforcement Officer issued a Notice and Order pursuant to Section 1-30.040 of the Santa Rosa City Code to the responsible party, Russell Morgan, Jr., to correct specified violations existing on the property at 2508 Montgomery Drive, Santa Rosa, and specifying the time, date, and place of a public Administrative Hearing on the matter which was scheduled more than ten (10) days thereafter; and

WHEREAS, on August 21, 2013, a public Administrative Hearing was held pursuant to Chapter 1-30 of the City Code regarding the specified violations existing on the real property situated at 2508 Montgomery Drive, Santa Rosa, being Sonoma County Assessor's Parcel numbered 013-051-002; and

WHEREAS, at the Administrative Hearing, which was held at the time, date, and place specified in the Notice and Order, the Hearing Officer considered the reports of staff, oral and written, and the testimony of all those wishing to be heard or who wished to submit comment and/or evidence, and the matters specified in Section 1-30.090 of the Santa Rosa City Code; and

WHEREAS, following the hearing, the Hearing Officer filed and served upon the party an Administrative Enforcement Order which found that one or more of violations existed at the property and which imposed penalties and assessed administrative costs in the total amount of \$20,172.00 and which notified the property owner(s) that the penalties and administrative costs may become the subject of a special assessment against the real property where the violations occurred if payment was not received within 30 days of the date of the final order; and

WHEREAS, Russell Morgan, Jr., the owner and responsible party of the property at 2508 Montgomery Drive has failed to pay the amount so ordered within 30 days of service of the Administrative Enforcement Order and within the same period has not sought judicial review of the Order; and

WHEREAS, pursuant to Section 1-30.170 of the Santa Rosa City Code, confirmation of the penalties and administrative costs as a special assessment may be placed on the Consent Agenda of the City Council within 120 days of the Administrative Enforcement Order; and

WHEREAS, notice has been given to the owner(s) of record of the real property at 2508 Montgomery Drive, Santa Rosa, that a request for confirmation of a special assessment lien in the amount of \$20,172.00 has been placed on the Consent Agenda of the City Council's regular meeting scheduled for December 10, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa, based on the Administrative Enforcement Order dated September 16, 2013, issued to Russell Morgan, Jr., the owner and responsible party of the real property at 2508 Montgomery Drive, and other information and materials presented at or prior to the administrative hearing, finds, determines, orders, and directs that:

1. The total amount of penalties and costs imposed by the Administrative Enforcement Order of \$20,127.00 is confirmed as filed with the City Clerk, payable in five (5) annual installments.
2. The total confirmed amount of penalties and administrative costs assessed against the real property at 2508 Montgomery Drive, Santa Rosa, being Sonoma County Assessor's Parcel No. 013-051-002, together with any collection charges imposed by the Sonoma County Tax Collector, and interest at the rate of 7% per annum, prorated daily, from the payment due date of October 16, 2013, shall be collected on the tax roll in the same manner, by the same person, and at the same time as, together with and not separately from, the general taxes, on the next regular property tax bill levied against the property by the Sonoma County Tax Collector.
3. The total amount of the penalties and costs herein confirmed shall be duly recorded with the Sonoma County Recorder as a lien on the identified party and the amount shall bear interest at the rate of 7% per annum until paid.
4. Any sum collected hereunder from the property owner(s) or upon any sale of the property shall be repaid to the Administrative Hearing Fund (Fund 001208).

5. The officers of the City, including the City Clerk and the Chief Financial Officer, are authorized and empowered to do all things as may be necessary, including but not limited to notifications to the Sonoma County Auditor and Tax Collector, to carry out the foregoing.

IN COUNCIL DULY PASSED this 10th day of December, 2013.

AYES: (6) Mayor Bartley, Vice Mayor Swinth, Council Members Combs, Olivares, Ours, Wysocky

NOES: (0)

ABSENT: (1) Council Member Carlstrom

ABSTAIN: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney