

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: MARK MAYSTROVICH, SENIOR CODE ENFORCEMENT
OFFICER
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: ADMINISTRATIVE COST RECOVERY LIEN AGAINST THE REAL
PROPERTY LOCATED AT 2004 SHELBOURNE WAY

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Council, by resolution, approve the administrative cost recovery lien in the amount of \$5,104.70 against the property located at 2004 Shelbourne Way for violations of the City Code that remain uncorrected by the responsible party, Joseph Condiotti and Brian Garrison, and authorize recording of an administrative cost recovery lien and placing the assessment on the property tax roll for collection.

EXECUTIVE SUMMARY

Pursuant to Chapter 1-30 of the Santa Rosa City Code, a Hearing Officer conducts administrative hearings to determine whether or not violations of the City Code exist on a specific property. If violations exist and an administrative enforcement order is issued, the responsible party has 30 days to pay the administrative costs in full. If administrative costs are not paid within 30 days, the Code Enforcement Officer will request Council confirm that an administrative cost recovery lien be added to the next regular bill levied against the parcel.

In this case, the Hearing Officer found that violations existed on the property at 2004 Shelbourne Way, and that the violations have remained uncorrected by the responsible party of, Joseph Condiotti and Brian Garrison who failed to appear at the Administrative Hearing held on January 22, 2020. The administrative costs, as assessed by the Administrative Hearing Officer, amount to \$5,104.70 (i.e., tree removal: \$3,140.00; administrative costs: \$1,964.70) and remain unpaid.

BACKGROUND

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On March 25, 2019, a formal complaint was issued to the Code Enforcement Department regarding hazardous burned tree, at 2004 Shelbourne Way. An inspection was performed by code enforcement staff on April 2, 2019 and a Notice of Violation was mailed to the Responsible Party at 2004 Shelbourne Way. The violation was not cleared and a Failure to Abate letter was mailed to the Responsible Party.

An Administrative Notice and Order was mailed to the Responsible Party by certified and regular mail. The Administrative Notice and Order was also posted on the property. The timely noticed Administrative Hearing was held on January 22, 2020. The Responsible Party did not appear and administrative costs totaling \$1,964.70 were ordered to the City, pursuant to the Enforcement Order.

After service of the Order, Joseph Condiotti and Brian Garrison, the owner(s) and responsible party of the property at 2004 Shelbourne Way, had failed to correct the violation of a hazardous tree within the time provided in the Order. Pursuant to the Order, if responsible party fails to take corrective action to remedy the violation, the City of Santa Rosa shall abate the nuisance pursuant to SRCC 1-30.100(F)(4) and the responsible party shall be responsible for the cost. After the specified time for corrective action passed, the City abated the nuisance of overgrown trees and vegetation in the public way at a cost of \$3,140.00.

The total administrative costs due to the City of Santa Rosa is \$5,104.70

PRIOR CITY COUNCIL REVIEW

Not applicable.

ANALYSIS

Pursuant to Chapter 1-30 of the Santa Rosa City Code, a Hearing Officer conducts administrative hearings to determine whether or not violations of the City Code exist on a specific property. Since May 2004, hearings have been scheduled twice a month. Per the procedures, when one or more violations are identified, the responsible party or parties are notified and given a reasonable time to make corrections. If the corrections are not accomplished by a specific date, the party or parties are required to appear before the Administrative Hearing Officer to determine whether or not the violations exist. Where administrative costs of the enforcement process were incurred and proven at the hearing, such costs are also assessed against the responsible party or parties. At the hearing, the responsible party or parties are advised that if the administrative costs remain unpaid, the City retains the option to either place an administrative cost recovery lien against the property where violations occurred, or to create a personal obligation against the responsible party.

If the responsible party has not paid the administrative costs, in full within 30 days, the Code Enforcement Officer shall request, by placing on the City Council consent agenda,

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an item to confirm that an administrative cost recovery lien be added to the next regular bill levied against the parcel.

The County Auditor and the County Tax Collector require that the City Council act by resolution to create an administrative cost recovery lien. The resolution must identify the parcel by address, if available, by its recorded location in the Official Records of Sonoma County, and by the parcel number. It must also provide the dollar amount of the lien, and, when the lien amount is in excess of \$2,500, the number of equal annual installment payments but not exceeding five in number. The resolution also authorizes and empowers the officers of the City, including the City Clerk and the Chief Financial Officer, 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.

FISCAL IMPACT

Collection of the cost of code enforcement activities will be applied to the administrative hearing fund.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Property owner is provided notice of this action a minimum of 10 days prior to the Council meeting.

ATTACHMENTS

- Attachment 1 – Administrative Enforcement Order
- Attachment 2 – Invoice for Tree Removal
- Attachment 3 – Case File Photographs
- Attachment 4 – Vicinity Maps
- Resolution

CONTACT

Mark Maystrovich, Senior Code Enforcement Officer

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