

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: LOU KIRK, ASSISTANT CHIEF BUILDING OFFICIAL
CASSIDY ANDERSON, SR CODE ENFORCEMENT OFFICER
DANIELA DEBACA, SR CODE ENFORCEMENT OFFICER
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SUBJECT: ADMINISTRATIVE COST RECOVERY LIEN AGAINST THE
REAL PROPERTY LOCATED AT 3712 DOUGLAS DRIVE

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 \$4,764.70 against the property located at 3712 Douglas Drive for violations of the City Code which remain uncorrected by the responsible party, Kelly V. Spiers, and authorize the recordation of a lien and placement of a special 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 the responsible party has not paid the administrative costs in full within 30 days, the Code Enforcement Officer requests Council confirm that a special assessment 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 3712 Douglas Drive, and that the violations have remained uncorrected by the responsible party, Kelly V. Spiers, who failed to appear at the Administrative Hearing held on April 12, 2021. The unpaid lien amount of \$4,764.70 consists of administrative costs of \$2,098.70 assessed by the Administrative Hearing Officer, and actual costs of \$2,666.00 incurred by the City for abatement of dead and overgrown weeds and vegetation.

BACKGROUND

On June 27, 2019, a formal complaint was issued to the Code Enforcement Division regarding overgrown weeds and infestation of vermin at 3712 Douglas Drive,

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Santa Rosa, CA 95405. On July 10, 2019, a second formal complaint was received. An inspection was performed by code enforcement staff on July 23, 2019, and a Notice of Violation was mailed to the responsible party at 3712 Douglas Drive, Santa Rosa, CA 95405, on July 24, 2019. On October 21, 2019, a progress inspection was completed. The violation was not cleared and a Failure to Abate letter was mailed to the responsible party. On December 30, 2019, a Notice of Non-compliance was recorded. On July 2, 2020, a third formal complaint was issued to the City. An inspection was performed by code enforcement staff on July 23, 2020. A revised Failure to Abate was mailed on July 28, 2020. On August 11, 2020, an administrative citation was mailed to the responsible party.

An Administrative Notice and Order was mailed to the responsible party by certified and regular mail on February 24, 2021. The Administrative Notice and Order was also posted on the property. The timely noticed Administrative Hearing was held on April 14, 2021. The responsible party did not appear and administrative costs totaling \$2,098.70 were ordered to the City, pursuant to the Enforcement Order.

On July 8, 2021, the City paid the invoice to have the dead and overgrown weeds and vegetation abated, which abatement costs need to be reimbursed to the City.

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 these 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 are incurred and later 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, an item to confirm that an administrative cost recovery lien be added to the next regular bill levied against the parcel.

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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 costs 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 Guidelines 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 – Abatement Invoice
- Attachment 3 – Vicinity Map
- Attachment 4 – Case File Photos
- Resolution

CONTACT

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