

RESOLUTION NO. RES-2020-135

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA CONFIRMING THE AMOUNT OF AN ADMINISTRATIVE COST RECOVERY LIEN, CONFIRMING AND ORDERING THE RECOVERY OF THE ADMINISTRATIVE COSTS ASSESSED AND IMPOSED BY THE ADMINISTRATIVE HEARING OFFICER FOR VIOLATIONS OF CITY CODE PROVISIONS OCCURRING ON THE PROPERTY AT 2004 SHELBOURNE WAY, SANTA ROSA, A.P.N. 034-390-044, AND ORDERING THE ADMINISTRATIVE COST RECOVERY LIEN BE COLLECTED ON THE TAX ROLL BY THE SONOMA COUNTY TAX COLLECTOR

WHEREAS, Chapter 1-30 of the Santa Rosa City Code sets forth the procedure for administrative review of ordinance violations as well as recovery of any and all costs incurred by the 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 December 5, 2019, 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 parties, Joseph Condiotti and Brian Garrison, to correct specified violations existing on the property at 2004 Shelbourne Way, 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 January 22, 2020, 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 2004 Shelbourne Way, Santa Rosa, being Sonoma County Assessor's Parcel numbered 034-390-044; 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 parties an Administrative Enforcement Order which found that one or more of violations existed at the property and which imposed administrative costs in the total amount of \$1,964.70 and which notified the property owner(s) that the 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, Joseph Condiotti and Brian Garrison, the owner(s) and responsible parties of the property at 2004 Shelbourne Way 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, 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 removal of a hazardous tree within the time provided in the Order; and

WHEREAS, 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; and

WHEREAS, after the specified time for corrective action passed, the City abated the hazardous tree at a cost of \$3,140.00; and

WHEREAS, pursuant to Section 1-30.170 of the Santa Rosa City Code, confirmation of administrative costs as a special assessment may be placed on the consent agenda of the City Council; and

WHEREAS, notice has been given to the owner(s) of record of the real property at 2004 Shelbourne Way, Santa Rosa, that a request for confirmation of an administrative cost recovery lien in the amount of \$5,104.70 has been placed on the Consent Agenda of the City Council's regular meeting scheduled for August 11, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa, based on the Administrative Enforcement Order dated January 28, 2020, issued to Joseph Condiotti and Brian Garrison, the owner and responsible party of the real property at 2004 Shelbourne Way, and other information and materials presented at or prior to the administrative hearing, finds, determines, orders, and directs that:

1. The total amount of administrative costs imposed by the Administrative Enforcement Order of \$5,104.70 is confirmed as filed with the City Clerk, payable in five (5) annual installments.
2. The total confirmed amount of administrative costs assessed against the real property at 2004 Shelbourne Way, Santa Rosa, being Sonoma County Assessor's Parcel No. 034-390-044, together with any collection charges imposed by the Sonoma County Tax Collector, 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 administrative costs herein confirmed shall be duly recorded with the Sonoma County Recorder as a lien on the identified party.
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.)

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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 11th day of August, 2020.

AYES: (5) Mayor Schwedhelm, Vice Mayor Fleming, Council Members Olivares, Rogers, Tibbetts

NOES: (1) Council Member Dowd

ABSENT: (1) Council Member Sawyer

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney