

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: MICHAEL J. REYNOLDS, SENIOR CODE ENFORCEMENT OFFICER
AUTHOR: MARK MAYSTROVICH, CODE ENFORCEMENT OFFICER
SUBJECT: ASSESSMENT LIEN AGAINST THE REAL PROPERTY LOCATED AT 609 BENICIA DRIVE

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Housing and Community Services Department that the Council, by resolution, approve the special assessment lien in the amount of \$16,725.00 against the property located at 609 Benicia Drive for violations of the City Code that remain uncorrected by the responsible party, Darryl and Lynne Beardall, and authorize recording of a 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 the responsible party has not paid the administrative penalty, including 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 609 Benicia Drive, and that the violations have remained uncorrected by the responsible party of, Darryl Beardall who appeared at the Administrative Hearing held on August 17, 2016. The penalties and costs, as assessed by the Administrative Hearing Officer, amount to \$16,725.00 and remain unpaid.

BACKGROUND

On December 13, 2001, the City received a complaint regarding garbage, old cars and weeds 6 feet tall, getting rats, mice possums and now snakes, at 609 Benicia Drive. An inspection on May 15, 2009 confirmed prohibited parking or storage of vehicles front

yard and rear yard, high weed and trash and debris. A Violation letter was sent to the owner, Darryl and Lynne Beardall, on May 5, 2009.

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. A penalty is assessed for each violation, and where 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 penalty costs remain unpaid, the City retains the option to either place a special assessment 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 penalty, including 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 a special assessment 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 a special assessment 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 tax assessment 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 Administrative Hearing fines and penalties will be applied to the administrative hearing fund. The funds will be used to offset the cost of code enforcement activities.

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 – Certificate of Service
- Attachment 3 – Case File Photographs
- Attachment 4 – Property Detail Report
- Attachment 5 – Vicinity Map

CONTACT

Mark Maystrovich, Code Enforcement Officer
(707) 543-3268
mmaystrovich@srcity.org