

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
SUBJECT: ASSESSMENT LIEN AGAINST THE REAL PROPERTY
LOCATED AT 2512 WEST STEELE LANE
STAFF PRESENTER: MICHAEL J. REYNOLDS, SENIOR CODE ENFORCEMENT
OFFICER
DEPARTMENT OF COMMUNITY DEVELOPMENT
AGENDA ACTION: RESOLUTION

ISSUE(S)

Shall the Council adopt a resolution to place a special assessment lien on the property located at 2512 West Steele Lane?

BACKGROUND

1. The owner and responsible party of 2512 West Steele Lane is Diana McVey.
2. On February 28, 2013, Code Enforcement met with Santa Rosa Police on-site due to an unauthorized entry. Code Enforcement learned that water service had been discontinued, and attempted to contact the property owner.

On March 1, 2013, a Notice of Violation, Notice and Order to Vacate, and a Notice to Board Up were sent to the owner and tenant. The Notice to Vacate and Board Up were posted on the property on March 4, 2013. The Notice of Non Compliance was recorded with the County Recorder on March 29, 2013.

A Code Enforcement Officer visited the site and took photographs on June 3, 2013. Another site visit was made on June 26, 2013, and more photographs taken of violations.

Violations include: lack of heating facilities and electrical utilities, failure to maintain all vacant structures and premises in a clean, safe, secure, and sanitary condition, failure to maintain all exterior property and premises and the interior of every structure free from any accumulation of rubbish or garbage, and attached roof structure on both sides of dwelling work performed without permits or inspections.

The Administrative Notice and order was sent to the property owner on June 26, 2013.

On June 26, 2013 the City requested that PG&E remove electric and gas meters. On July 5, 2013, Notice of Time Change for Hearing was sent to the responsible parties.

3. 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.

In this case, the Hearing Officer found that violations existed on the property at 2512 West Steele Lane, and that the violations have remained uncorrected by the responsible party of Diana McVey, who failed to appear at the Administrative Hearing held on July 17, 2013. The penalties and costs, as assessed by the Administrative Hearing Officer, amount to \$21,930.00 and remain unpaid. The Department of Community Development now seeks, by Resolution, to have Council confirm the Special Assessment Lien.

ANALYSIS

1. 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 \$2,500.00, 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.

RECOMMENDATION

It is recommended by the Department of Community Development that Council, by resolution, approve the special assessment lien in the amount of \$21,930.00 against the property located at 2512 West Steele Lane for violations of the City Code that remain uncorrected by the responsible party, Diana McVey, and authorizes recording of a lien and placing the assessment on the property tax roll for collection.

Author: S. Sparacio

Attachments:

- Administrative Enforcement Order
- Certificate of Service
- Case File Photographs
- Property Detail Report
- Vicinity Map