

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
SUBJECT: ASSESSMENT LIEN AGAINST THE REAL PROPERTY  
LOCATED AT 2508 MONTGOMERY DRIVE  
STAFF PRESENTER: MICHAEL J. REYNOLDS, SENIOR CODE ENFORCEMENT  
OFFICER  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
AGENDA ACTION: RESOLUTION

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ISSUE(S)

Shall the Council adopt a resolution to place a special assessment lien on the property located at 2508 Montgomery Drive?

BACKGROUND

1. The owner(s) and responsible party of 2508 Montgomery Drive is Russell Morgan, Jr.
2. A site inspection was conducted on June 13, 2013, which confirmed illegal additions to the rear of the house including conversion of the carport into habitable living space.

On June 18, 2013, a Notice of Violation letter was sent to the owner citing construction of additions to the rear of the house without required plans, permits and inspections.

On July 3, 2013, a Failure to Abate letter was sent to the owner for lack of required plans, permits and inspections.

On July 17, 2013, a Notice of Non Compliance was sent to the owner and filed with the County Recorder.

On July 25, 2013, an Administrative Notice and Order with penalty calculation sheet was sent to the owner.

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 2508 Montgomery Drive, and that the violations have remained uncorrected by the responsible party of Russell Morgan, Jr. who was present at the Administrative Hearing held on August 21, 2013. The penalties and costs, as assessed by the Administrative Hearing Officer, amount to \$20,127.00 and remain unpaid. The Department of Community Development now seeks, by Resolution, to have Council confirm the Special Assessment Lien.

## ANALYSIS

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 \$20,172.00 against the

property located at 2508 Montgomery Drive for violations of the City Code that remain uncorrected by the responsible party, Russell Morgan, Jr. and authorizes recording of a lien and placing the assessment on the property tax roll for collection.

Author: Mark Maystrovich

Attachments:

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