

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: MARK MAYSTROVICH, SENIOR CODE ENFORCEMENT OFFICER
AUTHOR: LIZZETTE MARQUEZ, CODE ENFORCEMENT OFFICER
SUBJECT: COST RECOVERY LIEN AGAINST THE REAL PROPERTY LOCATED AT 641 MCMASTER LANE, SANTA ROSA, CA 95407

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Department of Housing and Community Services that the Council, by resolution, approve the cost recovery lien in the amount of \$10,196.50 against the property located at 641 McMaster Lane for administrative and abatement costs that remain unpaid by the responsible parties, Lucille Weinschelbaum Tr Et Al, 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 violations exist and an administrative enforcement order is issued, the responsible party has 30 days to pay the administrative costs in full. If administrative costs are not paid within 30 days, the Code Enforcement Officer will request Council confirm that a cost recovery 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 641 McMaster Lane, Santa Rosa, CA 95407, and that the violations have remained uncorrected by the responsible party of, Lucille Weinschelbaum Tr Et Al (Responsible Party) who failed to appear at the Administrative Hearing held on May 28, 2019. The costs, as assessed by the Administrative Hearing Officer, amount to \$10,196.50 (i.e., tree/shrub pruning: \$7,560.00; administrative costs: \$2,636.40) and remain unpaid.

BACKGROUND

On February 12, 2019, a formal complaint was issued to the Code Enforcement Department regarding an overgrowth of trees and vegetation comping from 641

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McMaster Ln that impeded access to the right of way, making it difficult for refuse company vehicles to service the residents on West Ave. An inspection of the exterior was performed by code enforcement staff and a Notice of Violation was mailed to the Responsible Party at 641 McMaster Ln. The violation was not cleared and a Failure to Abate letter was mailed to the Responsible Party.

An Administrative Notice and Order was mailed to the Responsible Party by certified and regular mail. The Administrative Notice and Order was also posted on the property. The timely noticed Administrative Hearing was held on May 28, 2019. The Responsible Party did not appear and administrative costs totaling \$2,636.50 were ordered to the City, pursuant to the Enforcement Order.

The Order also held that if the responsible party fails to take corrective action to remedy the violation within twenty (20) days of the Order, the City shall abate the violation pursuant to SRCC 1-30.100(F)(4) and the Responsible Party shall be responsible for the cost.

With the responsible party having failed to take corrective action and having waived the right to judicial review, per SRCC 1-30.120, the City abated the nuisance by having the trees and shrubs along the roadway pruned at a cost of \$7,560.

The total administrative costs due to the City of Santa Rosa is \$10,196.50.

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. 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 the administrative costs remain unpaid, the City retains the option to either place a 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 a cost recovery 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 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 cost of code enforcement activities will be applied to the administrative hearing fund.

ENVIRONMENTAL IMPACT

The Council finds that the proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and that no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Responsible Party was provided notice of this action a minimum of 10 days prior to the Council meeting.

ATTACHMENTS

- Attachment 1 – Administrative Enforcement Order
- Attachment 2 – Tree Care Invoice and Proposal
- Attachment 3 – Case File Photographs Attachment
- Attachment 4 – Vicinity Map
- Resolution

CONTACT

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