

CITY OF SANTA ROSA  
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL  
FROM: GABE OSBURN, DIRECTOR, PLANNING AND ECONOMIC  
DEVELOPMENT DEPARTMENT  
SUBJECT: ANNUAL CODE ENFORCEMENT ADMINISTRATIVE COST  
RECOVERY LIENS

AGENDA ACTION: RESOLUTION

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RECOMMENDATION

The Planning and Economic Development Department recommends that the Council, by resolution, approve the itemized list of administrative cost recovery liens for violations of the City Code which remain uncorrected and authorize the recordation of nine (9) liens and placement of a special assessment on the subject properties for collection through the property tax roll. This item has no impact on current fiscal year budget.

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EXECUTIVE SUMMARY

Pursuant to Chapter 1-30 of the Santa Rosa City Code, Hearing Officers conduct administrative hearings to determine the existence of code violations on noncompliant private properties. Following a hearing, the Hearing Officer issues a written Administrative Enforcement Order establishing compliance timelines, administrative cost recovery fees, penalties, and abatement requirements. Responsible parties have 30 days to pay administrative costs in full. If violations remain unabated or administrative costs remain unpaid after all administrative remedies have been exhausted, staff may pursue additional legal remedies in coordination with the City Attorney's Office, including requesting Council confirmation of an administrative cost recovery lien for collection through the property tax roll. The properties identified in Exhibit A have outstanding administrative costs.

GOAL

Goal #1 - Achieve and Maintain Budgeting Excellence and Fiscal Stability by recovering costs associated with code enforcement activities.

BACKGROUND/PRIOR COUNCIL REVIEW

Chapter 1-30 of the Santa Rosa City Code allows the Code Enforcement division to pursue a remedy through the Administrative Hearing process. Administrative Hearings

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are a quasi-judicial process intended to obtain voluntary compliance while providing due process rights to responsible parties. Hearing Officers conduct administrative hearings to determine the existence of code violations on noncompliant private properties.

Since May 2004, administrative hearings have been conducted monthly. When violations are identified, responsible parties are notified and provided a reasonable opportunity to correct the violations. If compliance is not achieved within the specified timeframe, responsible parties are afforded the opportunity to appear before an Administrative Hearing Officer, who determines the existence of violations, establishes compliance timelines, and assesses administrative costs and penalties through a written Administrative Enforcement Order. Administrative cost recovery liens provide the City with a mechanism to recover costs associated with staff time and enforcement actions related to unresolved code violations.

### ANALYSIS

The Code Enforcement Division requests Council confirmation, by resolution, of the unpaid administrative costs identified in Exhibit A, consisting of nine (9) unpaid administrative cost recovery liens. The Hearing Officer determined that violations existed on the subject properties and ordered payment of the associated administrative costs. Administrative costs include staff time associated with inspections, notices of violation, hearing preparation, Administrative Hearing Officer fees, evidence review, conducting hearings, and preparation and service of Administrative Enforcement Orders.

The total unpaid balance of administrative fees is \$45,605.81. Recovery of these costs supports the Code Enforcement Administrative Hearing Fund (380307), which provides cost recovery for Code Enforcement Officer staffing, hearing preparation activities, Hearing Officer invoices, and abatement actions on private property.

The Sonoma County Auditor-Controller-Treasurer-Tax Collector requires City Council approval by resolution to establish an administrative cost recovery lien. The resolution must identify the property address, when available, the recording information contained in the Official Records of Sonoma County, the assessor's parcel number, lien amount, and, for liens exceeding \$2,500, the number of annual installment payments, not to exceed five (5). The resolution also authorizes City officials, including the City Clerk and Chief Financial Officer, to complete all actions necessary to implement and record the liens.

### FISCAL IMPACT

Collection of the costs of code enforcement activities will be applied to the Administrative Hearing Fund and supports cost recovery for staff time. This action will not have any impact on the City's General Fund.

ENVIRONMENTAL IMPACT

Pursuant to CEQA Guidelines Section 15378, the recommended action is not a “project” subject to the California Environmental Quality Act (CEQA) because it does not have a potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. In the alternative, the recommended action is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the recommended action may have a significant effect on the environment.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

The property owners were provided notice of this action at least 10 days prior to the Council meeting.

ATTACHMENTS

- Attachment 1 - Administrative Enforcement Order - 315 Roberts Ave
- Attachment 2 - Administrative Enforcement Order - 321 Roberts Ave
- Attachment 3 - Administrative Enforcement Order - 305 Sebastopol Rd
- Attachment 4 - Administrative Enforcement Order – 668 Elsa Dr
- Attachment 5 - Administrative Enforcement Order - 2047 Gardenview Pl
- Attachment 6 - Administrative Enforcement Order - 40 Barham Ave
- Attachment 7 - Administrative Enforcement Order - 2555 Gobar Ln
- Attachment 8 - Administrative Enforcement Order - 1672 Dutton Ave
- Attachment 9 - Administrative Enforcement Order - 2409 Joseph East Ct
- Resolution
- Exhibit A - Itemized special assessment list

PRESENTER(S)

Cassidy Anderson, Supervising Code Enforcement Officer