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**CITY OF SACRAMENTO
CALIFORNIA**

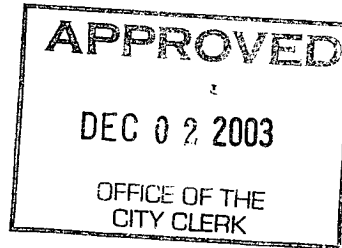
NEIGHBORHOOD SERVICES
DEPARTMENT

1231 I STREET, SUITE 200
SACRAMENTO, CA
95814-2997

Code Enforcement
916-264-5948
FAX: 264-7722

November 5, 2003

City Council
Sacramento, California



Honorable Members in Session:

**SUBJECT: CODE ENFORCEMENT CASE FEES AND PENALTIES -- FINDINGS OF FACT
FOR SPECIAL ASSESSMENT LIENS**

LOCATION AND COUNCIL DISTRICT: Citywide

STAFF RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution placing a lien on the property for unpaid fees and penalties and transmit the unpaid cost to the Sacramento County Auditor/Controller as a special assessment against the properties.

CONTACT PERSON: Robert L. Rose, Chief of Code Enforcement, Neighborhood Services
Department, 264-5947

FOR COUNCIL MEETING OF: December 2, 2003

SUMMARY:

Delinquent fees and penalties are brought before the City Council to secure the debt by placing liens on the properties for which the fees and penalties were imposed pursuant to Title 8 of the Sacramento City Code.

BACKGROUND INFORMATION:

Prior to the assessment of fees and penalties, each property owner was issued the appropriate legal notices, as set forth in Title 8, and was afforded an opportunity to appear before the Hearing Examiner, an appointed third-party examiner. Subsequent to the hearing, a "Decision of Hearing Examiner" notice was issued and mailed to the property owner. Included in this notice were findings and the specific fees and penalties. The decision of the Hearing Examiner is final and judicial review must be conducted in the manner and time frame set forth in California Code of Civil Procedure §1094.6. Sacramento City Code, Titles 8.96.320 and 8.04.110 allow the City Council to order the penalty be made both as a personal obligation and a special assessment against the property.

Each property owner listed on the attachment has received all required notices under Title 8, and has been afforded both an opportunity to appear for an administrative hearing and a special assessment hearing. Each has received a final decision notice. None of the listed owners have paid the fees and penalties.

We submit this resolution to the City Council for declaration of a special assessment.

FINANCIAL CONSIDERATIONS:

Lien accruals will be made through County tax collections. The City will also receive partial reimbursement from monies collected by the County based on the "Teeter" legislation agreement with the County. Any money generated from these liens would be included in the approved budget.

ENVIRONMENTAL CONSIDERATIONS:

The proposed resolution will not have any adverse environmental impact.

POLICY CONSIDERATIONS:

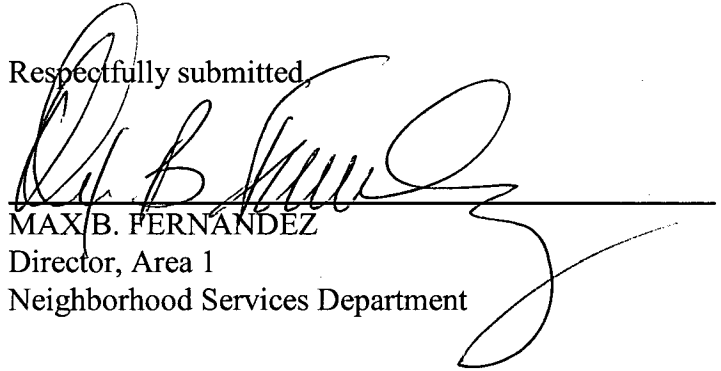
Conducting the lien hearing is in accordance with Sacramento City Code Title 8. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner for the stated violation. Each owner was afforded the additional opportunity to protest the imposition of the fees and penalties at a special assessment delinquency lien hearing.

Code Enforcement activities, including the related lien process, are consistent with policies associated with the City's goal to enhance and preserve the neighborhoods.

E/SBD ISSUES:

Not applicable.

Respectfully submitted,



MAX/B. FERNANDEZ

Director, Area 1

Neighborhood Services Department

Recommendation approved:



ROBERT P. THOMAS

City Manager

Attachments

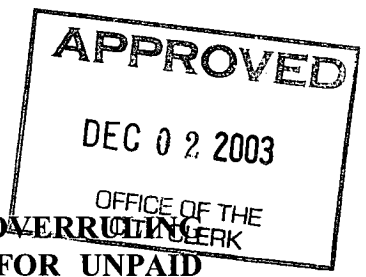
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2. Attachment to Resolution pgs 6 & 7

RESOLUTION NO. 2003-839

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____



A RESOLUTION ACCEPTING THE FINDINGS OF FACT OVERRIDING PROTESTS AND PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS AS SHOWN ON ATTACHMENT FOR CODE ENFORCEMENT CASE FEES AND PENALTIES

WHEREAS:

- A. The Neighborhood Services Department, Code Enforcement Division, in accordance with Sacramento City Code, Chapters 8.96.320 and 8.04.110 did provide a hearing before the appointed third-party Hearing Examiner to consider the protest for unpaid fees and penalties, if any; and
- B. Notice of the time and place of hearing was given in accordance with Sacramento City Code, Chapters 8.96.320 and 8.04.110; and
- C. The Neighborhood Services Department, Code Enforcement Division, established by competent evidence before the Hearing Examiner that the unpaid fees and penalties had been imposed in accordance with City Code; and
- D. The Neighborhood Services Department, Code Enforcement Division, established by competent evidence before the Hearing Examiner that the unpaid fees and penalties are due; and
- E. The City Council has found the unpaid fees and penalties to be a reasonable cost.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____
DATE ADOPTED: _____

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NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The reasonable penalties in the aggregate amount not to exceed \$25,763.00 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution. This amount may be reduced as staff determines necessary.
2. As provided in Section 38773.5 of the California Government Code, the City of Sacramento is entitled to and hereby attaches special assessment liens upon the described properties upon recordation in the office of the County Recorder of the County of Sacramento.
3. Such liens shall constitute a special assessment against the properties at which the services were rendered, and shall be collectible at the same time and in the same manner as secured property taxes are collected, and shall be subject to the same penalties, priorities, and procedures in the case of delinquency.
4. Such lien also constitutes a personal obligation against the owner of the property.
5. The City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

ATTEST:

MAYOR

CITY CLERK

Attachment

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	001-0141-016-0000	Z030003660	410 N 16th St	E D Properties	715.00	NS030384	1	0206
2	010-0141-041-0000	C020022625	3421 Truckee Wy	Rose L. Yeramian	9,115.00	NS030359	5	0206
3	010-0321-009-0000	C020034468	3556 Y St	1990 Trust of Alice Faye Lueras Etal	715.00	NS030380	5	0206
4	010-0384-019-0000	C030004959	3617 3rd Av	Pilar M & Dolores Herrera	175.00	NS030368	5	0206
5	013-0153-010-0000	C020029532	3658 Bret Harte Ct	David L Cottle & Michael J Carroll	175.00	NS030379	5	0206
6	013-0343-008-0000	C030006287	3530 9th Av	Vinay V. Reddy	715.00	NS030363	5	0206
7	013-0391-007-0000	C020030425	3333 10th Av	Scott Coletti	1,465.00	NS030377	5	0206
8	015-0201-006-0000	C030000683	5350 10th Av	Taylor & Lillie R. Murphy	857.00	NS030357	6	0206
9	022-0093-013-0000	C020025217	3816 24th Av	John P. Odbert III	250.00	NS030362	5	0206
10	031-0220-003-0000	C030013107	913 Greenstar Wy	Charles E. & Beatrice A. Schmidt	175.00	NS030375	4	0206
11	031-0609-027-0000	C030013772	7464 Ingalls Wy	George S. Orton	175.00	NS030367	7	0206
12	031-0720-042-0000	C020016185	7529 Monte Brazil Dr	Ping Cheong Li and Yin Man Lam	359.00	NS030346	7	0206
13	035-0334-013-0000	C030012297	7047 Demaret Dr	Charles E. O'Neal	175.00	NS030372	5	0206
14	048-0104-015-0000	C030000741	7529 19th St	Gaspar & Maria Rodriguez	715.00	NS030344	8	0206
15	048-0105-007-0000	C020033885	7494 21st St	James & Malisser Rudolph	715.00	NS030356	8	0206
16	048-0132-002-0000	C020033396	7548 Collingwood St	Mataele Shumway	2,215.00	NS030376	8	0206

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
17	049-0201-001-0000	C020031771	2887 65th Av	Juan A. Alvarez	790.00	NS030293	8	0206
18	117-0075-003-0000	C030000189	8078 Grandstaff Dr	Gloria D. Beccue	715.00	NS030355	7	0206
19	119-0300-079-0000	C030009637	7934 La Coruna Dr	Michael Perry Kozisek & Lynn M. Debra	715.00	NS030354	7	0206
20	237-0070-011-0000	C020021660	4501 Rio Linda Bl	Milton J and Sara M. De Souza	515.00	NS030381	2	0206
21	237-0140-022-0000	C020025629	4225 Dry Creek Rd	Warren R. Berg	192.00	NS030371	2	0206
22	238-0150-015-0000	C020023927	4212 Barbara St	Robert W. Robbins	715.00	NS030348	2	0206
23	250-0200-015-0000	C030003459	3493 Taylor St	Leslie B. Littlefield	715.00	NS030351	2	0206
24	251-0204-004-0000	C030006877	1012 Congress Av	Miguel Soto	615.00	NS030382	2	0206
25	252-0112-017-0000	C030005829	3726 Ivy St	Fidelina Pinzon	715.00	NS030383	2	0206
26	252-0192-013-0000	C030012050	2227 Conifer Wy	Jeannette S. Chalker	175.00	NS030374	2	0206
27	262-0212-004-0000	C020021447	550 Wilson Av	Ntube Njenge	715.00	NS030350	1	0206
28	277-0011-014-0000	C030010205	2423 Boxwood St	Rafael A & Maria Cajina	475.00	NS030369	2	0206

TOTAL TO BE LIENED:**\$25,763.00****FOR CITY CLERK USE ONLY****RESOLUTION NO.:** _____**DATE ADOPTED:** _____