



1.15

NEIGHBORHOODS, PLANNING
AND DEVELOPMENT SERVICES
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET, SUITE 200
SACRAMENTO, CA 95814

DEVELOPMENT SERVICES DIVISION

HOUSING AND DANGEROUS
BUILDINGS INSPECTIONS
PH 916-264-5404
FAX 916-264-6833

May 30, 2000

City Council
Sacramento, California

APPROVED

JUN 6 - 2000

OFFICE OF THE
CITY CLERK

Honorable Members in Session:

SUBJECT: CODE ENFORCEMENT (ENVIRONMENTAL HEALTH) CASE FEES AND PENALTIES -- FINDINGS OF FACT FOR SPECIAL ASSESSMENT LIEN FOR 3330 21st AVENUE

LOCATION AND COUNCIL DISTRICT: 5

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 costs to the Sacramento County Auditor/Controller as a special assessment against the property.

CONTACT PERSON: Robert L. Rose, Chief of Code Enforcement, Neighborhoods, Planning & Development Services Department, 264-5947

FOR COUNCIL MEETING OF: June 6, 2000

SUMMARY:

Delinquent fees and penalties are brought before the City Council to secure the debt by placing liens on the property for which the fees and penalties were imposed pursuant to Title 50 of the Sacramento City Code.

BACKGROUND INFORMATION:

Prior to the assessment of fees and penalties, the property owner was issued the appropriate legal notices, as set forth in Title 49 and 50, and was afforded an opportunity to appear before the Neighborhoods, Planning & Development Services Department Hearing Examiner, Housing Code Advisory & Appeals Board (HCAAB), or 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 and HCAAB 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 50.09 allow the City Council to order the penalty be made both as a personal obligation and a special assessment against the property.

The property owner has received all required notices under Titles 49 and 50, and has been afforded both an opportunity to appear for an administrative hearing and a special assessment hearing. A final decision notice was received by the property owner.

On May 9, 2000 Council requested this case be pulled from the agenda pending further review. On May 22, 2000 Code Enforcement Manager Bob Rose reviewed this case file in its entirety with Councilmember Lauren Hammond. The fees and penalties have not been paid nor has any payment plan been set up with Revenue & Collections.

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

FINANCIAL CONSIDERATIONS:

Lien accrual 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 this lien would be included in the approved budget.

ENVIRONMENTAL CONSIDERATIONS:

Per Section 15061(b)(3) of the CEQA guidelines, a Notice of Exemption will be filed. The proposed resolution will not have any adverse environmental impact.

POLICY CONSIDERATIONS:

Conducting the lien hearing is in accordance with Sacramento City Code Titles 50 and 61. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner and the Housing Code Advisory & Appeals Board (HCAAB) for the stated violation. The owner was afforded the additional opportunity to protest the imposition of the fees and penalties at a special assessment hearing.

E/SBD CONSIDERATIONS:


Not applicable.

Respectfully submitted,




MAX FERNANDEZ
Director, Area 1
Neighborhoods, Planning & Development Services Dept.

Recommendation Approved:



ROBERT P. THOMAS
City Manager



RICHARD RAMIREZ
Deputy City Manager

RESOLUTION NO. 2000-295
ADOPTED BY THE SACRAMENTO CITY COUNCIL



ON DATE OF _____

A RESOLUTION ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS AS SHOWN ON ATTACHMENT FOR CODE ENFORCEMENT (ENVIRONMENTAL HEALTH) CASE FEES AND PENALTIES FOR 3330 21st AVENUE

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

WHEREAS, heretofore the Neighborhoods, Planning & Development Services Department, Code Enforcement Division, in accordance with Sacramento City Code, Chapters 50.09 and 61.05 did provide a hearing before the appointed Housing Code Advisory and Appeals Board (HCAAB) to consider all protests for unpaid fees and penalties, if any; and

WHEREAS, notice of the time and place of hearing was given in accordance with Sacramento City Code, Chapters 50.09 and 61.05; and

WHEREAS, the Neighborhoods, Planning & Development Services Department, Code Enforcement Division, established by competent evidence before the HCAAB that the unpaid fees and penalties had been imposed in accordance with City Code; and

WHEREAS, the Neighborhoods, Planning & Development Services Department, Code Enforcement Division, established by competent evidence before the HCAAB that the unpaid fees and penalties are due; and

WHEREAS, the City Council has found the unpaid fees and penalties to be a reasonable cost.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That, the reasonable penalties in aggregate amount of \$4,259.00 (Invoice #VECT47947 for \$1,000.00 and VECT53411 for \$3,259.00) for unpaid fees and penalties is the sum set forth

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____
DATE ADOPTED: _____

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2. That, as provided in Section 38773.5 of the California Government Code, the City of Sacramento is entitled to and hereby attaches a special assessment lien upon the property located at 3330 21st Avenue (APN: 020-0266-004-0000) upon recordation in the office of the County Recorder of the County of Sacramento.
3. That, such lien shall constitute a special assessment against the property 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. That, such lien also constitutes a personal obligation against the owner of the property.
5. That, the City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

MAYOR

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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1.15

THOMAS LEE
DEPUTY CITY MANAGER

NEIGHBORHOODS,
PLANNING AND DEVELOPMENT
SERVICES DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 302
SACRAMENTO, CA
95814-2904

ADMINISTRATION
916-264-7598
FAX 916-264-8329

PASSED FOR
PUBLICATION
& CONTINUED
TO June 6, 2000

May 24, 2000

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: ORDINANCE ESTABLISHING THE DEVELOPMENT OVERSIGHT
COMMISSION AS RECOMMENDED BY THE MAYOR'S COMMISSION ON
DEVELOPMENT**

LOCATION AND COUNCIL DISTRICT: Citywide

RECOMMENDATION:

It is recommended that the item be passed for publication of title and continued to June 6, 2000.

CONTACT PERSON: Michael L. Medema, Special Projects Manager, 264-1915

FOR COUNCIL MEETING OF: May 30, 2000

SUMMARY:

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.



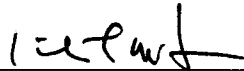
building better neighborhoods block by block

www.sacto.org/npds/


BACKGROUND:

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.

Respectfully submitted,

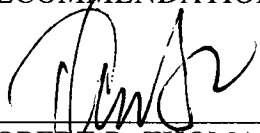


Michael L. Medema
Special Projects Manager



Thomas Lee
Deputy City Manager

RECOMMENDATION APPROVED BY:



ROBERT P. THOMAS
City Manager

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE ADDING CHAPTER 2.90 TO TITLE 2 OF
THE SACRAMENTO CITY CODE ESTABLISHING THE
DEVELOPMENT OVERSIGHT COMMISSION.**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Establishment of the City of Sacramento Development Oversight Commission.

The City of Sacramento Development Oversight Commission is hereby established.

§ 2.90.010 Definitions.

As used in this chapter, the following words and phrases shall have the meaning given them in this section, unless the context clearly requires otherwise:

- (a) "City" means the City of Sacramento.
- (b) "City Council" means the City Council of the City of Sacramento.
- (c) "Mayor" means the Mayor of the City of Sacramento.
- (d) "Commission" means the City of Sacramento Development Oversight Commission.

§ 2.90.020 Purpose of Commission.

The purpose of the Commission shall be as follows:

- (a) To assure the proper implementation of recommendations from the Mayor's Commission on Development that were approved by the City Council on July 20, 1999.
- (b) To provide a forum that enables the public to introduce and to discuss suggestions, comments, and concerns regarding the procedures and processes of the City's development services function.

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

§ 2.90.030 Powers of Commission.

The powers of the Commission shall be:

- (a) To monitor the implementation of recommendations made by the Mayor's Commission on Development that were approved by the City Council on July 20, 1999.
- (b) To review the procedures and processes of the City Departments and Divisions responsible for implementing the recommendations made by the Mayor's Commission on Development that were approved by the City Council on July 20, 1999.
- (c) To provide the Mayor and the City Council an annual report regarding the City's development procedures and processes, including but not necessarily limited to the implementation status of the Commission's recommendations that were accepted by the City Council on July 20, 1999.
- (d) To conduct semi-annual public meetings to hear and consider public suggestions, comments, and concerns regarding the procedures and processes of the City's development service.

§ 2.90.040 Commission Membership.

The Commission shall be comprised of nine members consisting of five members who are building industry professionals, two members from building industry trade organizations, and two members from the public at large. The members shall be appointed by the Mayor with approval by a majority of the City Council pursuant to Section 23 of the Sacramento City Charter. In selecting the initial members of the Commission, the Mayor shall appoint three to serve a term of one year, three to serve a term of two years, and three to serve a term of three years. Subsequent members shall be appointed to three year terms. In the event a vacancy occurs during the term of any member, the mayor shall appoint, with the approval of the City Council, a successor to serve during the unexpired term.

§2.90.050 Conflict of Interest and Financial Disclosure Statements

All appointees to the Commission shall be required to file statements disclosing financial interests pursuant to a conflict of interest code adopted for the Commission.

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FOR CITY CLERK USE ONLY

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DATE ADOPTED: _____

§ 2.90.060 Chairperson and Organization of the Commission.

At its first meeting, the Commission shall elect a Commission Chairperson and Vice Chairperson. The Commission may adopt rules of procedure for the conduct of its business and may do any other things necessary or proper to carry out its functions. When there is a vacancy in the office of Chairperson or Vice Chairperson, the Commission shall fill said office from among its members.

§ 2.90.070 Commission Meetings and Stipend.

The Commission shall conduct a public meeting to occur semi-annually on the third Wednesday of May and October. Upon the request of the Mayor, the Commission shall hold special meetings. Each member shall receive a \$100 stipend for each meeting attended. All meetings shall be held in accordance with the open meeting requirements contained in the provisions of the Ralph M. Brown Act, Government Code Section 54950 et seq.

§2.90.080 Repeal of Chapter.

This chapter shall expire on December 31, 2005, and the Commission shall cease to operate after that date.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

ATTEST:

MAYOR

CITY CLERK

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FOR CITY CLERK USE ONLY

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