



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

PUBLIC HEARING
June 15, 2010

**Honorable Mayor and
Members of the City Council**

**Title: Code Enforcement Case Fees and Penalties – Findings of Fact for Special
Assessment Liens**

Location/Council District: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt a **Resolution** placing liens on the properties in the amount of \$35,674 for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Dennis Kubo, Code Enforcement Manager, 808-8577

Presenters: Dennis Kubo, Code Enforcement Manager

Department: Code Enforcement

Division: Neighborhood Code Compliance

Organization No: 20001111

Description/Analysis

Issue: Collection of 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 Chapter 8.04 of the Sacramento City Code.

Policy Considerations: Conducting the lien hearing is in accordance with Sacramento City Code Chapter 8.04. 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.

Sustainability Considerations: There are no applicable sustainability considerations.

Environmental Considerations: California Environmental Quality Act (CEQA): The proposed resolution will not have any adverse environmental impact.

Sustainability Considerations: There are no applicable sustainability considerations.

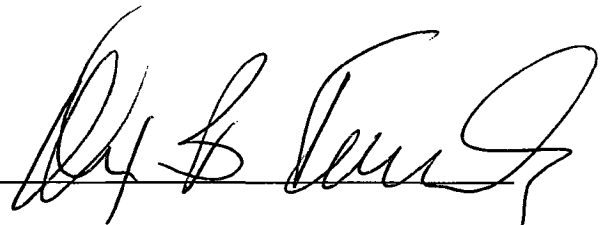
Commission/Committee Action: Not applicable.

Rationale for Recommendation: Adopting this Resolution will enable the City to collect unpaid fees and penalties by placing special assessments upon properties, allowing the fees and penalties to be collected through County property tax collections.

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.

Emerging Small Business Development (ESBD): Not applicable

Respectfully Submitted by:



Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:


Gus Vina
Interim City Manager

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Attachment 1

Background Information:

Prior to the assessment of fees and penalties, each property owner was issued the appropriate legal notices, as set forth in Chapter 8.04, and was afforded an opportunity to appear before an appointed third-party Hearing 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, Section 8.04.430 allows 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 Chapter 8.04, 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 has paid the fees and penalties.

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

RESOLUTION NO. 2010-

Adopted by the Sacramento City Council

June 15, 2010

ACCEPTING CODE ENFORCEMENT CASE FEES AND PENALTIES – FINDINGS OF FACT FOR SPECIAL ASSESSMENT LIENS

BACKGROUND

- A. The Code Enforcement Department, in accordance with Sacramento City Code, Sections 8.04.370 through 8.04.420, did provide a hearing before the appointed third-party Hearing Examiner to consider all protests for unpaid fees and penalties, if any.
- B. Notice of the time and place of hearing was given in accordance with Sacramento City Code Section 8.04.390.
- C. The Code Enforcement Department, established by competent evidence before the Hearing Examiner that the unpaid fees and penalties had been imposed in accordance with City Code.
- D. The Code Enforcement Department, established by competent evidence before the Hearing Examiner that in each case the unpaid fees and penalties are due.
- E. The City Council has found the unpaid fees and penalties to be a reasonable cost.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The reasonable penalties in the aggregate amount not to exceed \$35,674 for unpaid fees and penalties is the sum set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on March 24 and April 28, 2010. This amount may be reduced as staff determines necessary.
- Section 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.
- Section 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.

Section 4. Such lien also constitutes a personal obligation against the owner of the property.

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Exhibit A – List of Properties a lien will be placed upon

List of Properties a lien will be placed upon

| ITEM NO. | PARCEL NUMBER | CASE NUMBER | PROPERTY ADDRESS | PROPERTY OWNER | AMOUNT DUE | INVOICE NUMBER | CD | COUNTY CODE |
|----------|-------------------|-------------|--------------------|-----------------------------------|------------|----------------|----|-------------|
| 1 | 002-0113-017-0000 | 09-036405 | 1007 E ST | SHEHADEH SABER | \$100.00 | CEDCNU02511 | 1 | 0206 |
| 2 | 009-0111-017-0000 | 09-036261 | 309 U ST | FANNIE MAE C/O CHASE HOME FINANCE | \$831.00 | CEDCNU02521 | 4 | 0206 |
| 3 | 009-0111-017-0000 | 09-036261 | 309 U ST | FANNIE MAE C/O CHASE HOME FINANCE | \$1,200.00 | CEDCEA00385 | 4 | 0206 |
| 4 | 010-0204-016-0000 | 09-040984 | 3325 V ST | DRAFALL LORNA J | \$900.00 | CEDCNU02512 | 5 | 0206 |
| 5 | 013-0351-018-0000 | 09-041525 | 3300 38TH ST | ROSEMOND WAYNE | \$4,276.00 | CEDCNU02507 | 5 | 0206 |
| 6 | 013-0393-019-0000 | 09-043273 | 3617 34TH ST | 34TH ST TRUST C/O CINDY WEIDNER | \$900.00 | CEDCNU02500 | 5 | 0206 |
| 7 | 014-0152-021-0000 | 09-011353 | 4139 BROADWAY | MACPHERSON FAMILY TRUST | \$1,550.00 | CEDCNU02523 | 5 | 0206 |
| 8 | 014-0203-018-0000 | 09-034902 | 3434 40TH ST | RIOS NOEMI CONSUELO | \$900.00 | CEDCNU02518 | 5 | 0206 |
| 9 | 014-0243-004-0000 | 08-004770 | 3520 41ST ST | CLARK DANIEL M | \$931.00 | CEDCNU02508 | 5 | 0206 |
| 10 | 014-0243-004-0000 | 08-004770 | 3520 41ST ST | CLARK DANIEL M | \$1,500.00 | CEDCEA00384 | 5 | 0206 |
| 11 | 014-0246-006-0000 | 09-031690 | 3532 43RD ST | SAVA SHARON ANN | \$900.00 | CEDCNU02529 | 5 | 0206 |
| 12 | 020-0031-012-0000 | 09-041201 | 3833 36TH ST | CANDELERIO MICHAEL | \$1,676.54 | CEDCNU02503 | 5 | 0206 |
| 13 | 020-0273-023-0000 | 09-032567 | 3657 22ND AV | EARL BETTIE M | \$1,000.00 | CEDCNU02522 | 5 | 0206 |
| 14 | 020-0273-023-0000 | 09-032567 | 3657 22ND AV | EARL BETTIE M | \$250.00 | CEDCEA00387 | 5 | 0206 |
| 15 | 020-0273-023-0000 | 09-032567 | 3657 22ND AV | EARL BETTIE M | \$500.00 | CEDCEA00388 | 5 | 0206 |
| 16 | 021-0207-001-0000 | 09-009421 | 5416 19TH AV | SEAN D. MCDERMOTT | \$1,234.73 | CEDCNU02506 | 5 | 0206 |
| 17 | 025-0091-009-0000 | 09-047424 | 3150 FRUITRIDGE RD | BERMUDEZ URCUYO OMAR | \$900.00 | CEDCNU02516 | 5 | 0206 |
| 18 | 027-0115-015-0000 | 09-049437 | 6353 JANSEN DR | BINGHAM JOYCELYN L | \$938.16 | CEDCNU02544 | 6 | 0206 |
| 19 | 027-0183-012-0000 | 09-043589 | 5501 MCMAHON DR | CHIPMAN RICHARD/TERAH | \$900.00 | CEDCNU02528 | 6 | 0206 |
| 20 | 049-0401-024-0000 | 09-043641 | 7422 WINNETT WY | HAYNES DORENDA | \$1,000.00 | CEDCNU02536 | 8 | 0206 |
| 21 | 052-0270-026-0000 | 09-044639 | 1997 LEFORD WY | GARCIA MANINDER SINGH/AVTAR SINGH | \$1,198.95 | CEDCNU02541 | 8 | 0206 |

Code Enforcement Case Fees and Penalties – Liens

June 15, 2010

| ITEM NO. | PARCEL NUMBER | CASE NUMBER | PROPERTY ADDRESS | PROPERTY OWNER | AMOUNT DUE | INVOICE NUMBER | CD | COUNTY CODE |
|----------|-------------------|-------------|--------------------|----------------------------|-------------|----------------|----|-------------|
| 22 | 119-0300-017-0000 | 09-003624 | 7967 LA CORUNA DR | WHEELER HOSEA L | \$869.16 | CEDCNU02591 | 7 | 0206 |
| 23 | 225-0307-003-0000 | 09-046819 | 3153 BRIDGEFORD DR | ODBERT JOHN P | \$900.00 | CEDCNU02535 | 1 | 0206 |
| 24 | 225-0700-045-0000 | 09-046679 | 1850 PEBBLEWOOD DR | FUHRMAN PAMELA S | \$938.16 | CEDCNU02533 | 1 | 0206 |
| 25 | 225-1850-098-0000 | 09-040134 | 3414 COLCHESTER AV | GALO SUSAN/TEDDY | \$1,332.40 | CEDCNU02542 | 1 | 0206 |
| 26 | 226-0200-002-0000 | 09-032684 | 616 SANTA ANA AV | JACKSON ANTHONY G | \$938.16 | CEDCNU02526 | 2 | 0206 |
| 27 | 226-0200-002-0000 | 09-032684 | 616 SANTA ANA AV | JACKSON ANTHONY G | \$1,500.00 | CEDCEA00389 | 2 | 0206 |
| 28 | 226-0330-096-0000 | 09-044027 | 245 PEACH LEAF WY | MAHAL SURJIT | \$900.00 | CEDCNU02534 | 2 | 0206 |
| 29 | 238-0071-038-0000 | 09-041551 | 605 CLINGER CT | BARRAGAN JESUS | \$900.00 | CEDCNU02519 | 2 | 0206 |
| 30 | 251-0311-010-0000 | 09-043961 | 1281 DIAMOND AV | PATRICK ORLAND J | \$900.00 | CEDCNU02513 | 2 | 0206 |
| 31 | 262-0162-005-0000 | 09-011015 | 701 NORWICH CT | BOULAIS JOSEPH L | \$400.00 | CEDCNU02451 | 1 | 0206 |
| 32 | 265-0030-011-0000 | 09-044134 | 3175 CALLECITA ST | RYAN DENISE | \$929.82 | CEDCNU02525 | 2 | 0206 |
| 33 | 275-0088-003-0000 | 09-033806 | 1625 DEL PASO BL | BETTY J. / BERNARD D. POOL | \$1,579.82 | CEDCNU02515 | 2 | 0206 |
| | | | | | | | | |
| | | | | TOTAL: | \$35,673.90 | | | |