



REPORT TO COUNCIL

City of Sacramento

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

PUBLIC HEARING
October 12, 2010

Honorable Mayor and
Members of the City Council

Title: Neighborhood Code Compliance 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 \$70,543 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: Community Development

Division: Neighborhood Code Compliance

Organization No: 210001313

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.

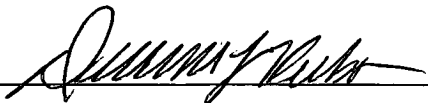
Sustainability Considerations: There are no applicable sustainability considerations.

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.

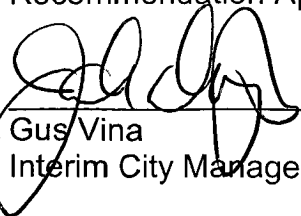
Financial Considerations: Lien accruals will be made through County tax collections. The City will also receive partial reimbursement from monies collected by the County based on the "Teeter" legislation agreement with the County. Any money generated from these liens would be included in the approved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

Emerging Small Business Development (ESBD): Not applicable

Respectfully Submitted by: 

Max B. Fernandez
Director, Community Development Department

Recommendation Approved:


Gus Vina
Interim City Manager


APPROVED AS TO FORM:

CITY ATTORNEY

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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

October 12, 2010

**ACCEPTING NEIGHBORHOOD CODE COMPLIANCE CASE FEES AND PENALTIES
– FINDINGS OF FACT FOR SPECIAL ASSESSMENT LIENS**

BACKGROUND

- A. The Community Development 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 Community Development 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 Community Development 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 \$70,543 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 July 28 and August 25, 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

Neighborhood Code Compliance Case Fees and Penalties – Liens October 12, 2010

EXHIBIT A

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	010-0337-041-0000	09-049113	2000 LARKIN WY	JOHANSEN CARLA L	\$900.00	CEDCNU02695	4	0206
2	014-0132-009-0000	09-036158	2940 39TH ST	SWINNEY CRAIG	\$1,000.00	CEDCNU02798	5	0206
3	014-0173-002-0000	09-047890	3868 7TH AV	STEVEN H. SODERBERG/DEBORAH	\$5,017.80	CEDCNU02710	5	0206
4	014-0242-001-0000	08-016914	3501 SANTA CRUZ WY	TURNER ISRAEL EZRA, JR/CHARLESETTA	\$745.00	CEDCNU01339	5	0206
5	020-0266-004-0000	10-005920	3330 21ST AV	AZEEZ AMINA B	\$2,406.20	CEDCNU02796	5	0206
6	021-0033-035-0000	09-047909	4019 54TH ST	GLEN W. BOWEN	\$1,059.38	CEDCNU02797	5	0206
7	021-0033-035-0000	09-047909	4019 54TH ST	GLEN W. BOWEN	\$750.00	CEDCEA00438	5	0206
8	022-0032-025-0000	09-003220	4861 MASCOT AV	NG SANDY/JOSE FRANCO	\$374.66	CEDCNU01976	5	0206
9	023-0134-009-0000	09-004416	5240 CABRILLO WY	ZAVALA SUSAN	\$565.00	CEDCNU01926	6	0206
10	025-0091-002-0000	08-006615	2960 FRUITRIDGE RD	BERMUDEZ OMAR	\$949.60	CEDCNU02719	5	0206
11	025-0091-002-0000	08-006615	2960 FRUITRIDGE RD	BERMUDEZ OMAR	\$5,018.68	CEDCEA00416	5	0206
12	025-0091-002-0000	08-006615	2960 FRUITRIDGE RD	BERMUDEZ OMAR	\$4,518.60	CEDCEA00417	5	0206
13	025-0091-003-0000	08-088805	2970 FRUITRIDGE RD	BERMUDEZ OMAR	\$949.60	CEDCNU02717	5	0206
14	025-0091-003-0000	08-088805	2970 FRUITRIDGE RD	BERMUDEZ OMAR	\$5,018.59	CEDCEA00414	5	0206
15	025-0091-003-0000	08-088805	2970 FRUITRIDGE RD	BERMUDEZ OMAR	\$4,518.60	CEDCEA00415	5	0206
16	035-0041-019-0000	09-047432	1431 DICKSON ST	LINDSAY DORRIS	\$1,000.00	CEDCNU02726	4	0206
17	035-0041-019-0000	09-047432	1431 DICKSON ST	LINDSAY DORRIS	\$1,000.00	CEDCEA00422	4	0206
18	036-0105-028-0000	09-049582	2429 50TH AV	WOODS ROBERT L/AUDREY B	\$900.00	CEDCNU02801	5	0206
19	040-0052-001-0000	06-006017	6437 75TH ST	VOONG SANG T	\$25.00	NS070137	6	0206
20	040-0052-001-0000	06-006017	6437 75TH ST	VOONG SANG T	\$1,050.00	CEAP070017	6	0206
21	049-0205-029-0000	10-001211	7375 29TH ST	MENDES REGINA/DANIEL	\$918.60	CEDCNU02725	8	0206
22	053-0093-012-0000	09-050217	3649 FALLIS CR	PRASAD NARENDRA/GYAN MATI LAL	\$168.60	CEDCNU02785	7	0206

Neighborhood Code Compliance Case Fees and Penalties – Liens October 12, 2010

23	053-0101-008-0000	10-000267	0 SHRADER CR	TRAN TOM	\$1,301.44	CEDCNU02708	7	0206
24	117-0574-041-0000	07-033412	6056 DAYBURST WY	BREWER SHAKIRA N	\$775.00	NS070597	7	0206
25	117-1370-058-0000	09-002159	8497 TAMBOR WY	MARILOU G. ETRATA	\$1,078.98	CEDCNU02808	8	0206
26	119-0354-012-0000	09-004132	4037 FAWN CR	CHADWICK JAMES CHRISTIAN	\$1,449.60	CEDCNU02715	7	0206
27	119-0490-060-0000	09-040505	2 BRELAND CT	FEDERAL NATIONAL MORTGAGE ASSOCIATION	\$900.00	CEDCNU02783	7	0206
28	225-1320-037-0000	10-003767	1907 DELAFIELD WY	CIMINO AIMEE	\$412.00	CEDCNU02787	1	0206
29	225-2110-048-0000	10-002404	0 GATEWAY PK	KOBRA PROPERTIES, A CALIFORNIA GENERAL PARTNERSHIP	\$1,550.00	CEDCNU02805	1	0206
30	225-2110-048-0000	10-002404	0 GATEWAY PK	KOBRA PROPERTIES, A CALIFORNIA GENERAL PARTNERSHIP	\$1,818.19	CEDCNU02811	1	0206
31	238-0071-038-0000	09-041551	605 CLINGER CT	BARRAGAN JESUS	\$400.00	CEDCNU02519	2	0206
32	238-0202-013-0000	09-051990	4011 WINTERS ST	IQUBAL ZAFAR/ISHRAT BEGUM/JAVED IQBAL	\$900.00	CEDCNU02792	2	0206
33	251-0071-017-0000	10-003125	3814 HAYWOOD ST	CAMPOS RAMON D	\$918.60	CEDCNU02791	2	0206
34	251-0253-008-0000	10-005517	3305 SENDERO ST	FEDERAL NATIONAL MORTGAGE ASSOCIATION C/O RECONTRUST COMPANY	\$1,000.00	CEDCNU02793	2	0206
35	262-0030-080-0000	10-006981	351 SUMMER GARDEN WY	CWALT INC ALTERNATIVE LOAN TRUST 2006 OC11 C/O RECONTRUST COMPANY	\$1,185.89	CEDCNU02800	1	0206
36	263-0141-036-0000	08-013781	2742 FAIRFIELD ST	LABELLE APRIL/CHRIS S LECLAIR	\$145.55	CEDCNU01148	2	0206
37	265-0030-011-0000	09-049976	3175 CALLECITA ST	RYAN DENISE	\$8,259.38	CEDCNU02807	2	0206
38	265-0151-008-0000	08-088450	1620 ELDRIDGE AV	MATHISON CARRIE LA REE	\$1,049.60	CEDCNU02713	3	0206
39	265-0151-008-0000	08-088450	1620 ELDRIDGE AV	MATHISON CARRIE LA REE	\$1,518.60	CEDCEA00418	3	0206
40	266-0203-015-0000	08-016912	1817 IRIS AV	COMMUNITY COMMERCE BANK	\$831.00	CEDCNU01023	3	0206
41	275-0088-004-0000	09-041039	1623 DEL PASO BL	POOL BETTY J/BERNARD D	\$2,157.40	CEDCNU02721	2	0206
42	275-0088-004-0000	09-041039	1623 DEL PASO BL	POOL BETTY J/BERNARD D	\$1,518.60	CEDCEA00419	2	0206
43	275-0088-004-0000	09-041039	1623 DEL PASO BL	POOL BETTY J/BERNARD D	\$2,518.60	CEDCEA00420	2	0206
				TOTAL:	\$70,542.34			