



APPROVED

JUL 24 2001

OFFICE OF THE
CITY CLERK

12.1

DEPARTMENT OF
FINANCE
REVENUE DIVISION

CITY OF SACRAMENTO
CALIFORNIA

CITY HALL
ROOM 104
915 I STREET
SACRAMENTO, CA
95814-2696

July 05, 2001

REVENUE
ADMINISTRATION
916-264-5724

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: DELINQUENT CHARGES - SPECIAL ASSESSMENT LIENS UPON THE PROPERTIES TO WHICH THE COSTS ARE RELATED

LOCATION AND COUNCIL DISTRICT: City-wide

STAFF RECOMMENDATION

It is recommended the City Council:

1. Open a public hearing to confirm, reject or modify the delinquency lien hearing reports.
2. Close the public hearing, confirm the unpaid costs and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties as follows:
 - a. Adopt the attached resolution placing liens on the properties for unpaid **Utility Services** charges; and,
 - b. Adopt the attached resolution placing liens on the properties for unpaid costs of **Sidewalk Repairs** performed.

CONTACT PERSONS: Bill Spencer, Enforcement & Collections Supervisor, 264-5527
Kimberly Wilson, Revenue Supervisor, 264-7517
Margaret L. Freeman, Revenue Manager, 264-5724

City Council
**DELINQUENT CHARGES - SPECIAL ASSESSMENT LIENS UPON THE
PROPERTIES TO WHICH THE COSTS ARE RELATED**
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FOR COUNCIL MEETING OF

July 24, 2001

SUMMARY

This report provides the City Council with staff recommendations for protests received regarding property liens for unpaid costs related to properties. For the two types of unpaid costs listed above, an individual notice describing the protest hearing process was provided to each affected property owner. This public hearing is for City Council to confirm special assessment liens against the properties.

COMMITTEE/COMMISSION ACTION

None required.

BACKGROUND INFORMATION

On May 7, 1996 City Council enacted changes to City Code related to special assessments for unpaid utility services charges and unpaid sidewalk repair fees. Ordinance No. 96-020, amending City Code Title 13, Title 12, Chapter 8.04 and Chapter 8.96 enacted an administrative appeal process for all property owner protests to special assessment liens against the properties for unpaid costs.

All property owners were noticed of the FY 2000/2001 unpaid and/or delinquent costs, provided an opportunity to resolve the issue with City staff, and were provided an opportunity for a hearing before a Delinquency Lien Hearing Officer if they so requested. Attachment 1 is a summary listing, by type, of the number and total amount of unpaid costs, the number of protests received, and the number of hearings held before the Delinquency Lien Hearing Officer.

Attachments 2 and 3 are listings, by type, of each protest received and the final disposition of each protest. The findings of the Delinquency Lien Hearing Officer for each hearing held are included.

City Council

**DELINQUENT CHARGES - SPECIAL ASSESSMENT LIENS UPON THE
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FINANCIAL CONSIDERATIONS

The Delinquency Lien Hearing Officer was paid \$50 an hour. There were 5 hearings held that required 3.25 hours for a total cost of \$162.50.

City staff time was required for scheduling the hearings, the notices to property owners, and the final noticing for hearings held. All the costs are included in the Revenue Division budget and no additional funding is requested or required.

ENVIRONMENTAL CONSIDERATIONS

Pursuant to Section 15378 (b) (3), this is not a project under the California Environmental Quality Act (CEQA).

POLICY CONSIDERATIONS

The adoption of Ordinance No. 96-020 met City Council's request for a less time consuming or more efficient method for hearing protests to delinquent charges special assessment liens. The changes to City Code have established an administrative appeal process that provides an opportunity for a hearing before an independent hearing officer. That administrative appeal process has been utilized for the special assessments resolutions submitted. The results of the administrative appeal process and the findings of the hearing officer are presented to City Council as part of the process for confirmation of the special assessments.

State law requires the City Council to confirm the special assessments after a public hearing, so there is still opportunity for the property owner to address City Council. Should any property owner object to the special assessment, the public hearing shall be limited to the issue of whether the hearing before the delinquency lien hearing officer was conducted in accordance with applicable City ordinances. City Council does not have any legal obligation to hear the objections of any property owner who did not request a hearing and thus waived his/her right to a hearing.

City Council

**DELINQUENT CHARGES - SPECIAL ASSESSMENT LIENS UPON THE
PROPERTIES TO WHICH THE COSTS ARE RELATED**

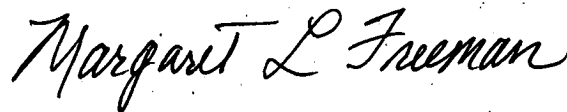
July 5, 2001

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ESBD CONSIDERATIONS

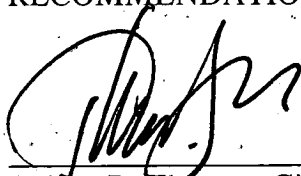
There is no requirement for purchase of goods or services associated this item.

Respectfully submitted,



Margaret L. Freeman
Revenue Manager

RECOMMENDATION APPROVED:



Robert P. Thomas, City Manager

Attachments

**CITY OF SACRAMENTO
 FY 2000/2001 ANNUAL LIEN PROCESS/SPECIAL ASSESSMENTS**

Unpaid Costs For	# of Lien Notices Mailed	Total Amt Due All Notices	# of Protests Received	# of Protests to Pymt Plans	# of Protests Waived	# of Protests Amount Decreased	# of Hearings Held	Total Liens
Utility Services Charges	8,475	\$6,468,828	12	0	1	2	3	\$5,692,140
Sidewalk Repairs	114	\$104,886	8	1	2	1	2	\$47,716

Revenue Division/Department of Administrative Services

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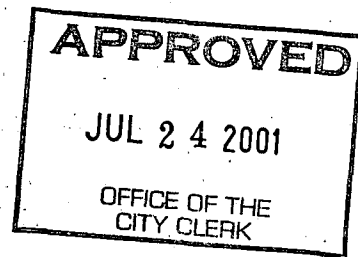
Protested Delinquent Utility Services Charges

Name	Property Address	Parcel Number	Amount Due	Council District	Staff Findings	Hearing Status
Biel, Florence	3200 32 nd Avenue	025-0092-014-0000	\$334.24	5	Fees Found Due	No hearing requested by property owner
Boni, Anthony W.	5832 15 th Avenue	021-0052-005-0000	\$644.57	6	Fees Found Due	No hearing requested by property owner
Brownlee, Jr. Alvin L.	1079 La Fleur	031-1430-012-0000	\$1,030.58	7	Fees Found Due	Hearing officer found fees due
Corrall, Irma R.	5009 13 th Avenue	015-0251-044-0000	\$761.86	5	Fees Found Due	No hearing requested by property owner
Cummings, Tenishia	1131 Martinson Drive	237-0580-033-0000	\$466.64	2	Fees Found Due	No hearing requested by property owner
Cunningham, John	256 Tivoli Way	004-0113-008-0000	\$153.55	3	Remove from lien list	No hearing requested by property owner
Farrimond, Donald	5210 Callister Avenue	005-0101-002-0000	\$981.75	3	Fees Found Due	No hearing requested by property owner
Godfrey III, John	1049 Westward Way	225-0331-014-0000	\$686.82	1	Fees Found Due	No hearing requested by property owner
Keeter, Barry	5932 Belleview Avenue	027-0312-003-0000	\$471.55	6	Fees Found Due	No hearing requested by property owner
McMillon, Anita L.	702 Tailwind Drive	237-0500-049-0000	\$1,163.01	2	Fees Found Due	Hearing officer found fees due
Pacific Flooring Supply	1527 North C Street	001-0142-014-0000	\$663.54	1	Fees Found Due	No hearing requested by property owner
Wilson, Bob	6582 37 th Avenue	027-0222-010-0000	\$347.49	6	Fees Found Due	No hearing requested by property owner

PROTESTED DELINQUENT SIDEWALK REPAIR COSTS

Name	Property Address	Parcel Number	Amount Due	Council District	Staff Findings	Hearing Status
A RENAY CAHEE Revocable Family Trust	4121 - 52ND ST.	021-0121-010-0000	992.20	5	Fees found owing	Hearing officer found fees owing; property owner established payment plan
CHIN, Dung s. & Huang	2214 - 18TH ST.	009-0215-012-0000	729.07	4	Fees found owing	No hearing requested; property owner paid.
FERGUSON, Wes & Cindy	5600 V ST.	011-0235-001-0000	1,550.76	5	Fees found owing	No hearing requested; property owner paid.
MAGEE, Kenneth J. & Dorothy E.	1901 - 48TH ST.	011-0051-014-0000	476.56	1	Fees found owing	Hearing officer found fees owing
MARANI, Robert P., Estate of	1519 U ST.	009-0151-014-0000	1,331.30	4	Fees found owing	No hearing requested
MORETTI, Marilyn S.	1500 - 37TH ST.	008-0401-015-0000	2,251.10	3	Fees reduced; property owner paid balance	
RIOLA, Ronald	625 - 37TH ST.	004-0282-024-0000	741.20	3	Fees waived	
SMITH, Robert E.; D'Anita J. Driver-Smith	3751 - 7TH AVE.	013-0302-032-0000	1,107.95	5	Fees found owing	No hearing requested

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RESOLUTION NO. 2001-522

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION DECLARING DELINQUENT WATER, SEWER, REGIONAL SEWER, GARBAGE, GARDEN REFUSE, AND STORM DRAINAGE SERVICE FEES LIENS ON PROPERTIES TO WHICH SUCH SERVICES WERE FURNISHED.

WHEREAS, pursuant to the provisions of the Sacramento City Code, the owners of the real properties described in Exhibit A, on file in the City Clerk's Office, have been notified that water, sewer, regional sewer, garbage, garden refuse, and storm drainage services furnished to said properties were unpaid for a period of 60 days and that subsequent proceedings would be taken by the Council to make the charges liens on the real properties if said charges were not paid; and

WHEREAS, pursuant to the Sacramento City Code, notices were mailed to the owners of said properties informing them of the opportunity to protest the placing of unpaid utility service fees provided to the real property as liens; and

WHEREAS, each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer; and

WHEREAS, City Council held a hearing upon those findings.

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

1. That all of the protests have been considered and have been rejected, revised, or confirmed.
2. That the charges set forth in Exhibit A for the furnishing of water, sewer, regional sewer, garbage, garden refuse and storm drainage service, to the real properties described in said Exhibit A are owing and delinquent.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

8.

3. That the City Council, in accordance with the provisions of the Sacramento City Code, is entitled to and hereby attaches a lien upon the real properties described in said Exhibit A in the amount set forth opposite each parcel of property.
4. That 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.
5. That the City Clerk shall file a certified copy of the confirmed report with the Sacramento County Auditor/Controller for collection of said liens as herein above provided.

MAYOR

ATTEST:

CITY CLERK

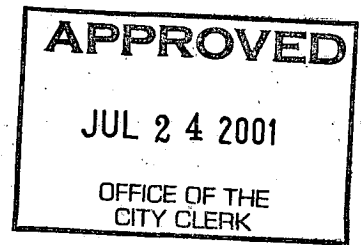
FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

EXHIBIT A

LIEN LIST: ON FILE IN THE CITY CLERK'S OFFICE



RESOLUTION NO. 2001-523

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

RESOLUTION DETERMINING THE REASONABLE COSTS FOR SIDEWALK REPAIR WORK PERFORMED AS SHOWN ON EXHIBIT A AND PLACING LIENS ON THE PROPERTIES FOR THE COSTS THEREOF

WHEREAS, in accordance with Sacramento City Code, Title 12, each property owner has been noticed and informed of the opportunity to protest the placing of unpaid costs of sidewalk repair work performed upon the described real properties as liens; and

WHEREAS, each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer; and

WHEREAS, the City Council held a hearing upon those findings and it was established by competent evidence that in each case the work had been performed; and

WHEREAS, the City Council has found the total cost for each such work to be a reasonable cost and the hearing closed.

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

1. That the reasonable costs in the aggregate amount of \$47,716.04 for unpaid sidewalk repair work performed is the sum set forth on Exhibit A hereby incorporated into this resolution.
2. That, as provided in Section 39577 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.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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3. That 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. That the City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

DELINQUENT SIDEWALK REPAIR COSTS

NAME	PROPERTY ADDRESS	PARCEL NUMBER	COUNCIL DISTRICT	AMOUNT
10TH & H ST PARTNERSHIP	917 H ST	002-0152-015-0000	1	2,283.41
ATLANTIC RICHFIELD CO.	2100 BROADWAY	010-0224-022-0000	5	2,537.70
BARAJAS, Frank	4523 - 11TH AV	014-0251-040-0000	5	150.00
BAUTISTA, Keiko H.	521 - 7TH ST.	002-0102-019-0000	1	372.75
BOUILLON, E.J. & Mary	3700 - 53RD ST.	015-0252-007-0000	5	887.92
BRADLEY, Georgia M.	1917 - 3RD ST.	009-0052-026-0000	4	1,399.20
BUZGHEIA, Linda Juel	1720 - 38TH ST.	008-0451-032-0000	3	911.20
CARROLL, Donald Anthony	3101 TORRANCE AV	049-0171-006-0000	6	424.99
CASTRO, Valentin	4406 - 78TH ST.	021-0272-005-0000	6	213.60
COOK-MCKNIGHT, Sue	500 -502 15TH ST.	002-0126-006-0000	1	3,503.96
COUSINS, Harry	2644 TRACTION AVE.	263-0172-004-0000	2	638.20
CURRIE, Gail Denise	7224 - 17TH ST	047-0034-002-0000	8	469.87
DAVIS, Alan Frederick	2311 W ST.	010-0165-020-0000	4	1,050.78
DEGREGORIO, Jean Isabel	4501 - 11TH AV	014-0251-042-0000	5	375.10
ENZ, Bertha	5334 SANDBURG DR.	005-0071-033-0000	3	671.22

13.

DELINQUENT SIDEWALK REPAIR COSTS

NAME	PROPERTY ADDRESS	PARCEL NUMBER	COUNCIL DISTRICT	AMOUNT
EVANS, Susan	810 - 812 26TH ST.	007-0033-011-0000	3	2,212.67
FAUPULA, George L. & Feao	572 EL CAMINO AVE.	275-0033-017-0000	1	538.12
FOX, Robert	8644 ROYAL GLEN WY	078-0065-010-0000	6	1,065.00
GARCIA, Daniel R. & Novella	3082 DEL PASO BLVD.	265-0372-021-0000	2	555.32
GARCIA, Leslie	4216 U ST.	011-0118-003-0000	5	793.47
GONSALVES, Priscilla; Vicente, Phillip & Jennie	6171 HESBY WY	117-0233-017-0000	7	575.30
HAENGGI FAMILY TRUST	6097 HOLSTEIN	024-0254-004-0000	4	652.00
JESSIE ELAINE DAVIS 1998 REVOCABLE TRUST	7068 WILSHIRE CIR.	035-0342-007-0000	8	1,078.40
KOSMAK, Lisa Ann	2649 CASTRO WY	013-0043-014-0000	5	1,094.03
LEWIS, Sandra K.	2324 - 34TH ST	010-0265-015-0000	5	467.83
LOPEZ, Jorge & Dalia Castrejon	1673 VALLARTA CIR.	225-0890-108-0000	1	148.54
MACBURNIE, Sara; Samson, Lola J.	2221 IRVIN WY	018-0173-014-0000	5	717.00
MAGEE, Kenneth J. & Dorothy E.	1901 - 48TH ST.	011-0051-014-0000	1	476.56
MARANI, ROBERT P., ESTATE OF	1519 U ST.	009-0151-014-0000	4	1,331.30
MARTINEZ, Ronald D. & Carmelita	2005 E ST	003-0125-021-0000	3	222.40

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DELINQUENT SIDEWALK REPAIR COSTS

NAME	PROPERTY ADDRESS	PARCEL NUMBER	COUNCIL DISTRICT	AMOUNT
MATTIE P. MATHESON REVOCABLE LIVING TRUST	5881 VALLEY VALE WY	117-0102-011-0000	7	514.50
MITCHEL, Benny, Jr. & Norma	3900 COTTONTAIL WY	049-0470-017-0000	8	578.69
MONTGOMERY, Dennis L.	5821 - 14TH ST.	024-0175-003-0000	6	206.20
MOURAS, Belton, Jr.	7440 AMHERST ST.	048-0021-010-0000	8	637.28
MULLANEY, David W. & Evelyn P.	5400 S ST	011-0064-008-0000	5	282.71
NAVA, Edward M.	4561 - 71ST ST.	021-0341-017-0000	6	416.80
NETTLES, Nathaniel	4555 - 71ST ST.	021-0341-018-0000	6	780.00
O'NEAL, Jamie J.	1761 - 35TH ST.	007-0371-002-0000	3	392.96
PAPPAS, Peter & Sophie	1642 - 39TH ST.	008-0451-054-0000	3	541.16
PEREZ, Jim A.	2197 CANTALIER ST	275-0146-001-0000	2	559.22
PETAVINE, Linda K.	5867 - 59TH ST	027-0192-027-0000	6	592.72
RAMIREZ-GUTIERREZ, Monica; Avial, Gustavo A.	3801 - 20TH AV	020-0215-015-0000	5	454.39
REYES, Berlinda V.	3032 - 4TH AVE.	013-0103-005-0000	5	1,139.95
SAEED, Samia	4150 NEWCASTLE ST.	237-0283-016-0000	2	383.55
SHEARER, Helen Lucy	3925-3927 2ND AVE.	014-0073-042-0000	5	1,629.20

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DELINQUENT SIDEWALK REPAIR COSTS

NAME	PROPERTY ADDRESS	PARCEL NUMBER	COUNCIL DISTRICT	AMOUNT
SMITH, Robert E.; D'Anita J. Driver-Smith	3751 - 7TH AVE.	013-0302-032-0000	5	1,107.95
STARKWEATHER, Elizabeth	1709 - 50TH ST.	008-0482-016-0000	3	714.68
STEWART, Eric	2540 FERNDALE AVE.	049-0113-005-0000	8	763.63
STROM, Richard G. & Linda R.	3045 - 9TH AVE.	013-0282-015-0000	5	1,076.20
SWIFT, Ricky L. & Beverly D.	5551 - 71ST ST.	023-0264-015-0000	6	708.40
TILLMAN, Patrick	3708 - 7TH AVE.	013-0351-002-0000	5	178.38
TILLMAN, Patrick	3716 - 7TH AVE.	013-0351-003-0000	5	762.93
USHER, Lena M.	4020 - 4TH AVE.	014-0142-004-0000	5	572.90
WEBBER FAMILY TRUST	3132 CLAY ST.	265-0030-039-0000	2	261.80
WIGGINS, William A.	2477 - 5TH AV	013-0112-012-0000	4	2,129.50
WILLIAMS, Roosevelt & Catherine	3648 - 53RD ST.	015-0252-006-0000	5	296.38
WOODS, George M. & Vivian D.	2530 FERNDALE AVE.	049-0113-004-0000	8	1,131.87
ZAVORAS, Timothy E. & Linda K.	179 EL CAMINO AVE.	263-0216-017-0000	2	1,084.25
			Total:	<u>\$47,716.04</u>

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