



# REPORT TO COUNCIL

## City of Sacramento

# 15

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

PUBLIC HEARING  
August 14, 2007

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 \$32,263.95 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, Program Manager, 808-8577

**Presenters:** n/a

**Department:** Code Enforcement

**Organization No:** 4651

### 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.

**Environmental Considerations:** The proposed resolution will not have any adverse environmental impact.

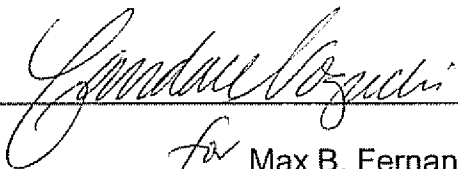
**Commission/Committee Action:** None



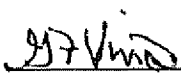
**Rationale for Recommendation:** Adopting this Resolution will enable the City to collect unpaid fees and penalties by placing special assessments upon properties, allowing the fees and penalties to be collected through County property tax collections.

**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:   
for Max B. Fernandez  
Director, Code Enforcement Department

Recommendation Approved:

for   
Ray Kerridge  
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. 2007-**

Adopted by the Sacramento City Council

August 14, 2007

**ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND  
PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS  
FOR CODE ENFORCEMENT CASE FEES AND PENALTIES**

**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,; and
- 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 \$32,263.95 for unpaid fees and penalties is the sum set forth by the appointed third-party Hearing Examiner's findings of fact of hearing held June 27, 2007. 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 to be Liened

## Exhibit A

| Line # | Parcel Number     | Case Number | Property Address         | Property Owner                      | Amount Due | Invoice Number | Council District | County ID |
|--------|-------------------|-------------|--------------------------|-------------------------------------|------------|----------------|------------------|-----------|
| 1      | 004-0201-020-0000 | 06-019693   | 5040 C St                | Libby Barnhardt                     | \$185.00   | NS070301       | 3                | 0206      |
| 2      | 010-0314-006-0000 | 07-027894   | 3448 Y St                | Yevgeny Pravdin & Galina Galant     | \$775.00   | NS070402       | 5                | 0206      |
| 3      | 014-0111-006-0000 | C040023230  | 2750 42 <sup>nd</sup> St | John Porter/Natasha C A Leffingwell | \$475.00   | NS050287       | 5                | 0206      |
| 4      | 020-0042-013-0000 | 06-013055   | 4040 32nd St             | Eugene E & Jamie M Walls            | \$875.00   | NS070309       | 5                | 0206      |
| 5      | 020-0061-026-0000 | C060005068  | 4009 36 <sup>th</sup> St | Lucile Blanchard 1992 Trust         | \$825.00   | NS060304       | 5                | 0206      |
| 6      | 021-0021-017-0000 | 06-003542   | 4925 15th Av             | Wells Fargo Bank                    | \$2,000.00 | CEAP070061     | 5                | 0206      |
| 7      | 021-0021-017-0000 | 06-003542   | 4925 15th Av             | Wells Fargo Bank                    | \$875.00   | NS070292       | 5                | 0206      |
| 8      | 021-0321-021-0000 | 06-025616   | 4791 63rd St             | Jocelyn Nadra                       | \$875.00   | NS070303       | 6                | 0206      |
| 9      | 021-0341-009-0000 | 06-012822   | 7241 20th Av             | Roy F. Ridley Jr.                   | \$2,017.09 | CEAP070025     | 6                | 0206      |
| 10     | 022-0021-005-0000 | 06-005562   | 4710 36th St             | Ashley Mack                         | \$2,017.09 | CEAP070028     | 5                | 0206      |
| 11     | 029-0331-004-0000 | 06-002970   | 6481 Lake Park Dr        | David & Lucille R Maes              | \$875.00   | NS070295       | 4                | 0206      |
| 12     | 035-0141-019-0000 | 06-017974   | 2129 47th Av             | Simon Jr. & Vivien W Castro         | \$775.00   | NS070304       | 5                | 0206      |
| 13     | 036-0112-020-0000 | 06-015097   | 2601 51st Av             | Stefs Rucka Chucky Trust            | \$1,000.00 | CEAP070063     | 5                | 0206      |
| 14     | 040-0052-008-0000 | 06-001698   | 6407 75th St             | Mario Alberto Rodriguez             | \$335.00   | NS070025       | 6                | 0206      |
| 15     | 041-0053-005-0000 | G040027645  | 7004 Woodbine Ave        | Jaid Enterprises Inc                | \$55.00    | GA050006       | 5                | 0206      |
| 16     | 048-0104-004-0000 | C050047545  | 1990 Matson Dr           | Abra A. Joyner                      | \$2,000.00 | CEAP070052     | 8                | 0206      |
| 17     | 052-0094-008-0000 | V040042723  | 7633 23 <sup>rd</sup> St | Arlyce C. Connor                    | \$377.00   | NSV050008      | 8                | 0206      |
| 18     | 052-0220-090-0000 | 06-010758   | 1968 Bonavista Wy        | Julio A. Gonzales                   | \$892.09   | NS070185       | 8                | 0206      |
| 19     | 053-0053-013-0000 | 06-008903   | 3437 Jola Cr             | Maria Guadalupe Tejada              | \$285.00   | NS070148       | 8                | 0206      |
| 20     | 118-0043-005-0000 | 06-015227   | 4751 Scarborough         | Jeffrey W. Kenny                    | \$2,873.33 | NS070296       | 8                | 0206      |

## Code Enforcement Case Fees &amp; Penalties-Liens

August 14, 2007

|    |                   |            |                    |  |            |            |   |      |
|----|-------------------|------------|--------------------|--|------------|------------|---|------|
| 21 | 119-0280-071-0000 | 06-009148  | 7834 Deer Creek Dr | Renato A Mata                            | \$700.00   | NSV070001  | 7 | 0206 |
| 22 | 225-0430-006-0000 | 06-012593  | 2921 Stonecreek Dr | James W. Pettit                          | \$185.00   | NS070279   | 1 | 0206 |
| 23 | 226-0122-009-0000 | 06-016366  | 719 Pinedale Av    | Uma C & Devi B. Ram                      | \$875.00   | NS070315   | 2 | 0206 |
| 24 | 252-0310-037-0000 | C050010791 | 1828 Los Robles Bl | Jane F S Buchanan Revocable Trust        | \$750.00   | NS060086   | 3 | 0206 |
| 25 | 263-0142-021-0000 | C050045904 | 2748 Oakmont St    | William R Davis Jr. & Victor Delo Santos | \$1,112.16 | NS070173   | 2 | 0206 |
| 26 | 263-0184-013-0000 | 06-013484  | 2596 Grove Av      | Thomas Despanic                          | \$1,545.19 | NS070302   | 2 | 0206 |
| 27 | 263-0224-006-0000 | C050020810 | 340 Santiago Av    | Jayne Brannan                            | \$1,000.00 | CEAP070048 | 2 | 0206 |
| 28 | 263-0224-006-0000 | C050020810 | 340 Santiago Av    | Jayne Brannan                            | \$875.00   | NS070263   | 2 | 0206 |
| 29 | 265-0081-018-0000 | 06-005363  | 1069 Acacia Av     | Ray Nolan & James Donald Beaver II       | \$2,400.00 | CEAP070056 | 2 | 0206 |
| 30 | 265-0081-018-0000 | 06-005363  | 1069 Acacia Av     | Ray Nolan & James Donald Beaver II       | \$875.00   | NS070285   | 2 | 0206 |
| 31 | 265-0371-004-0000 | 06-020504  | 1708 Kenwood St    | Daniel & Judith Freitas                  | \$185.00   | NS070305   | 3 | 0206 |
| 32 | 266-0381-019-0000 | 06-003362  | 2564 Albatross Wy  | Albatross Way Trust 2564                 | \$500.00   | CEAP070062 | 3 | 0206 |
| 33 | 266-0381-019-0000 | 06-003362  | 2564 Albatross Wy  | Albatross Way Trust 2564                 | \$875.00   | NS070297   | 3 | 0206 |

**TOTAL TO BE LIENED**\$32,263.95