



**CITY OF SACRAMENTO
CALIFORNIA**

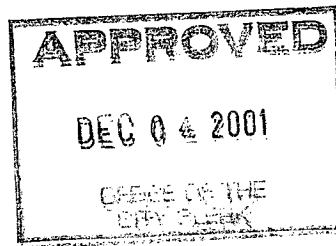
NEIGHBORHOOD SERVICES
DEPARTMENT

1231 I STREET, SUITE 200
SACRAMENTO, CA
95814-2997

Housing & Dangerous Buildings
916-264-5404
FAX: 264-6833

November 8, 2001

City Council
Sacramento, California



Honorable Members in Session:

**SUBJECT: HOUSING CASE FEES AND PENALTIES -- FINDINGS OF FACT FOR
SPECIAL ASSESSMENT LIENS**

LOCATION AND COUNCIL DISTRICT: Citywide

STAFF RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution placing liens on the properties for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

CONTACT PERSON: Ron O'Connor, Chief Building Inspector, Neighborhood Services
Department, 264-8183

FOR COUNCIL MEETING OF: December 4, 2001

SUMMARY:

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 Titles 8.96 and 8.100 of the Sacramento City Code.

BACKGROUND INFORMATION:

Prior to the assessment of fees and penalties, each property owner was issued the appropriate legal notices, as set forth in Titles 8.96 and 8.100, and was afforded an opportunity to appear before the Housing Code Advisory and Appeals Board (HCAAB) and/or an appointed third-party examiner. Subsequent to the hearing, a "Decision of HCAAB or 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 HCAAB or 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, Chapter 8.100 Article XVI 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 Titles 8.96 and 8.100, 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 have paid the fees and penalties.

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

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.

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.

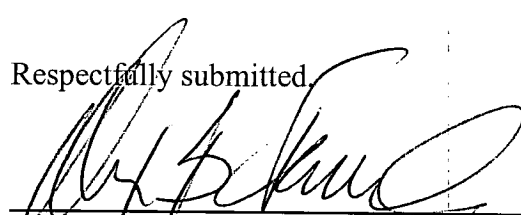
POLICY CONSIDERATIONS:

Conducting the lien hearing is in accordance with Sacramento City Code Titles 8.96 and 8.100. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner or hearing board for the stated violation. Each owner was afforded the additional opportunity to protest the imposition of the fees and penalties at a special assessment hearing.

E/SBD ISSUES:

Not applicable.

Respectfully submitted,

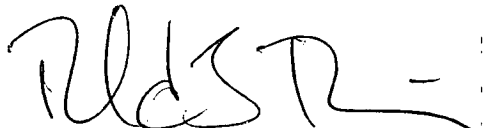


MAX B. FERNANDEZ
Director, Area 1
Neighborhood Services Department

Recommendation approved:



ROBERT P. THOMAS
City Manager



RICHARD RAMIREZ
Deputy City Manager

Attachment

APPROVED
DEC 04 2001
OFFICE OF THE
CITY CLERK

RESOLUTION NO. 2001-787

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 HOUSING AND DANGEROUS BUILDINGS CASE FEES AND PENALTIES

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

WHEREAS, heretofore the Neighborhood Services Department, Code Enforcement Division, Housing & Dangerous Buildings Inspections, in accordance with Sacramento City Code, Chapter 8.96 Article IX did provide a hearing before the Housing Code Advisory and Appeals Board (HCAAB) and/or appointed third-party Hearing Examiner 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, Chapter 8.96 Article IX; and

WHEREAS, the Neighborhood Services Department, Code Enforcement Division, Housing & Dangerous Buildings Inspections, established by competent evidence before the HCAAB and/or appointed third-party Hearing Examiner that in each case the unpaid fees and penalties had been imposed in accordance with City Code; and

WHEREAS, the Neighborhood Services Department, Code Enforcement Division, Housing & Dangerous Buildings Inspections, established by competent evidence before the HCAAB and/or appointed third-party Hearing Examiner that in each case the unpaid fees and penalties are due; and

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

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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

1. That, the reasonable penalties in the aggregate amount of \$75,149.29 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution.
2. That, 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.
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, 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

Attachment

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	001-0064-010-0000	HSG9901311	452 North B Street	Jack J. Korner	7,275.72	HCE54817	1	0201
2	001-0064-013-0000	468NORTXX	468 North B St	Jean I & Ruth Korner	2,488.00	HCE010225	1	0201
3	006-0098-022-0000	H000026065	1109 8th St	Estate of Anthony W Operhall	690.00	HCE010200	1	0656
4	010-384-013-0000	H000000348	2740 37th St	Lillian M. Wooten	1,252.67	HCE010243	5	0656
5	010-384-013-0000	H000000348	2740 37th St	Lillian M. Wooten	1,756.67	HCE010244	5	0678
6	010-384-013-0000	H000000348	2740 37th St	Lillian M. Wooten	10,636.67	HCE010245	5	0201
7	013-0034-002-0000	HSG9900751	2900 23rd St	Josephine Graham 2001	150.00	HCE010201	5	0656
8	013-0401-021-0000	HSG9901674	3517 36th St	Farallon Pacific Parnters Inc.	5,760.00	HCE010241	5	0201
9	013-0401-021-0000	HSG9901674	3517 36th St	Farallon Pacific Parnters Inc.	27.00	HCE010240	5	0656
10	013-0401-021-0000	HSG9901674	3517 36th St	Farallon Pacific Parnters Inc.	3,373.02	HCE010242	5	0678
11	014-0247-010-0000	H000022211	4251 12th Av	Acreek Capital Corporation	2,845.00	HCE010249	5	0678
12	014-0247-010-0000	H000022211	4251 12th Av	Acreek Capital Corporation	814.00	HCE010248	5	0656
13	015-012-023-0000	HSG9901749	3300 53rd St	J.A. Crowder (Joseph R. Quintero)	771.00	HCE55167	5	0656
14	015-0182-003-0000	482010AV00	4820 10th Av	Gladys V Chatenay	5,946.00	HCE010223	5	0201
15	015-0182-003-0000	482010AV00	4820 10th Av	Gladys V Chatenay	1,563.56	HCE010222	5	0656
16	021-0074-001-0000	H000024908	3905 65th St	Mark P & Kathy S Miner	690.00	HCE010210	6	0656

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
17	027-0131-002-0000	H000024576	5740 71st St	Estate of Alice D Hamill	1,423.19	HCE010192	6	0656
18	027-0131-002-0000	H000024576	5740 71st St	Estate of Alice Hamill	2,738.67	HCE010317	6	0657
19	027-0131-002-0000	H000024576	5740 71st St	Estate of Alice D. Hamill	9,376.67	HCE010276	6	0201
20	027-0132-011-0000	H000026275	5773 71st St	Annette F Meredith	1,465.00	HCE010231	6	0657
21	027-0132-011-0000	H000026275	5773 71st St	Annette F Meredith	7,930.60	HCE010232	6	0201
22	048-0072-020-0000	HSG9901758	7500 18th St	Ramon R & Consuelo G Herrera	161.25	HCE010195	8	0656
23	049-0173-003-0000	H000028482	7515 32nd St	Richard V & Ilaisipa T Lavulo	774.00	HCE010191	8	0678
24	049-0173-003-0000	H000028482	7515 32nd St	Richard V & Ilaisipa T Lavulo	324.80	HCE010190	8	0656
25	052-0142-004-0000	H010000179	1477 Janrick Av	Opal W. Pounds	570.00	HCE010251	8	0678
26	052-0142-004-0000	H010000179	1477 Janrick Av	Opal W. Pounds	720.00	HCE010250	8	0656
27	215 0250 037 0000	H000027899	1321 Claire Av	Paul O & Doris F Wagner	740.00	HCE010214	2	0656
28	265-0092-009-0000	H000028292	3055 Callecita St	Thelma Youngblood	816.00	HCE010252	2	0656
29	265-0092-009-0000	H000028292	3055 Callecita St	Thelma Youngblood	2,069.80	HCE010253	2	0678

TOTAL TO BE LIENED:

\$75,149.29

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____