



10.3

APPROVED
AUG 03 2000
OFFICE OF THE
CITY CLERK

DEPARTMENT OF
FINANCE
REVENUE DIVISION

CITY OF SACRAMENTO
CALIFORNIA

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

July 10, 2000

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;
 - b. Adopt the attached resolution placing liens on the properties for unpaid costs of **Weed Abatement** performed; and
 - c. 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
Carole Laurenty, Revenue Supervisor, 264-5856
Kimberly Wilson, Revenue Supervisor, 264-7517
Gary Atchley, Weed Abatement Officer, 264-7027
Margaret L. Freeman, Revenue Manager, 264-5724

1.

City Council
DELINQUENT CHARGES - SPECIAL ASSESSMENT LIENS UPON THE
PROPERTIES TO WHICH THE COSTS ARE RELATED
July 10, 2000
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FOR COUNCIL MEETING OF

August 3, 2000

SUMMARY

This report provides the City Council with staff recommendations for protests received regarding property liens for unpaid costs related to properties. For the three 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, unpaid weed abatement fees 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 1999/2000 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 through 4 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.

27.

FINANCIAL CONSIDERATIONS

Delinquency Lien Hearing Officer was paid \$50 an hour. There were 6 hearings held that required 2.0 hours for a total cost of \$100.

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

Council action in adopting these resolutions is exempt from the California Environmental Quality Act (CEQA) because it will have no conceivable effect on the physical environment.

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 10, 2000

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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 1999/2000 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	8,519	\$6,310,485	11	2	0	0	1	\$5,539,724
Weed Abatement	619	\$96,318	3	0	2	1	2	\$74,298
Sidewalk Repairs	66	\$63,793	7	0	3	2	3	\$24,897

Revenue Division/Department of Administrative Services

Protested Delinquent Utility Services Charges

Name	Property Address	Parcel Number	Amount Due	Council District	Staff Findings	Hearing Status
Castellanos, Donna	1216 Rose Tree Way	031-0570-037-0000	\$636.78	7	Fees Found Due	No hearing requested by property owner
Hampton, Gregory	1440 Wacker Way	048-0035-015-0000	\$820.86	8	Fees Found Due	No hearing requested by property owner
Hoze, Robert	7355 22 nd Street	047-0152-010-0000	\$955.49	8	Fees Found Due	No hearing requested by property owner
Kilson, Robert & Arlene	213 Graves Avenue	250-0311-036-0000	\$461.12	2	Fees Found Due	No hearing requested by property owner
Leonard, Andrew	1749 Berkeley Way	008-0464-014-0000	\$893.05	3	Fees Found Due	Hearing officer found fees due
Lyles, Louella J.	2335 Downar Way	238-0140-024-0000	\$623.74	2	Remove from lien list	No hearing requested by property owner
Person, Mattie	305 Graves Avenue	250-0311-022-0000	\$898.46	2	Fees Found Due	No hearing requested by property owner
Powell, Chester Sr.	820 Almora Street	251-0159-013-0000	\$954.41	2	Fees Found Due	No hearing requested by property owner
Singleton, Margaret	154 Fairbanks Avenue	263-0302-003-0000	\$826.94	2	Fees Found Due	No hearing requested by property owner
Warner, Ethel	115 Tinker Way	238-0060-020-0000	\$543.84	2	Fees Found Due	No hearing requested by property owner
Wilkerson, Holly R.	4445 Valverde Way	119-0560-018-0000	\$278.46	7	Remove from lien list	No hearing requested by property owner

Disputed Delinquent Weed Abatement Fees

Name	Property Address	Parcel Number	Amount Due	Council District	Staff's Findings	Hearing Status
Lam Truc Le	5900 71st Street	027-0311-011-0000	103.00	6	Fees Due	Fees Due
AMTF	L Arbre Way	031-1430-038-0000	101.00	7	Fees Due	Wave Fees
AMTF	L Arbre Way	031-1430-039-0000	101.00	7	Fees Due	Wave Fees

7.

PROTESTED DELINQUENT SIDEWALK REPAIR COSTS

Name	Property Address	Parcel Number	Amount Due	Council District	Staff Findings	Hearing Status
BEASLEY, Benjamin	1831 G Street	003-0171-014-0000	\$1,728.20	3	Fees reduced	Hearing officer further reduced amount due
BUDIMAN, Michael & Elizabeth	300 S Street	009-0052-004-0000	5,069.80	4	Fees waived	No hearing requested by property owner
FLING, William E. & Joyce L.	1602-27th Street / 2630 P Street	007-0335-010-0000	1,992.44	3	Fees found due	Removed from special assessment/lien list for City and customer to pursue resolution of issues
FONG, Norman, et al.	1964/1966 - 32nd Street	010-0132-012-0000	1,093.86	5	Fees waived	No hearing requested by property owner
GRAND COURT SACRAMENTO ASSOCIATES	7548 Greenhaven Drive	031-0070-073-0000	3,397.74	7	Fees reduced	Hearing officer further reduced amount due
SOWARDS, James A., et al.	1024 J Street	006-0103-008-0000	1,350.00	1	Fees found due	No hearing requested by property owner
VINKEMULDER, Elaine	3030 San Carlos Way	014-0181-004-0000	364.40	5	Fees waived	No hearing requested by property owner
YARWOOD, Keith E. & Jean, et al.	2779 Muir Way	012-0101-001-0000	1,400.23	4	Fees waived	No hearing requested by property owner

APPROVED

AUG 03 2000

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 2000-466

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: _____

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

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT A

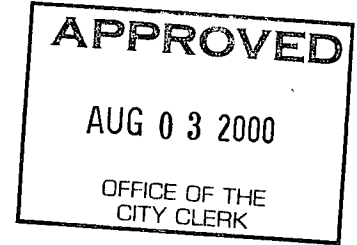
LIEN LIST: ON FILE IN THE CITY CLERK'S OFFICE

RESOLUTION NO.

2000-467

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____



RESOLUTION DETERMINING THE REASONABLE COSTS FOR WEED ABATEMENT WORK FOR 1999 AS SHOWN ON LISTS PREVIOUSLY SUBMITTED IN ACCORDANCE WITH CHAPTER 13, SECTION 39500 ET SEQ OF THE CALIFORNIA GOVERNMENT CODE AND PLACING LIENS ON THE PROPERTIES BY THE CITY FOR THE COSTS THEREOF

WHEREAS, in accordance with Sacramento City Code, Title 8, each property owner has been noticed and informed of the opportunity to protest the placing of unpaid weed abatement fees 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 by private contractor; and

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

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

1. That the reasonable costs in the aggregate amount of \$74,298.64 for 489 properties for unpaid weed abatement for 1999 is the sum set forth in aforementioned lists.
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: _____

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

RESOLUTION NO.: _____

DATE ADOPTED: _____

EXHIBIT A

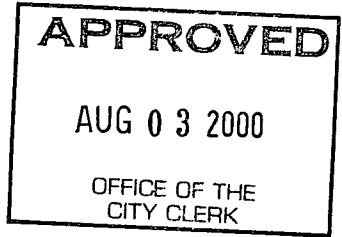
LIEN LIST: ON FILE IN THE CITY CLERK'S OFFICE

RESOLUTION NO.

2000-468

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 \$24,897.63 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: _____

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

RESOLUTION NO.: _____

DATE ADOPTED: _____

16.

DELINQUENT SIDEWALK REPAIR COSTS

Name	Property Address	Parcel Number	Council District	Amount
BEASLEY, Benjamin	1831 G Street	003-0171-014-0000	3	\$1,728.20
ABDULLAH, Dirul Islam	4123 - 12th Avenue	014-0244-027-0000	5	823.50
ALLEN, Mary K., Estate of	2120 - 11th Street	009-0134-014-0000	4	677.12
AMERICAN SAVINGS & LOAN ASSOCIATION	2419 - 16th Street	009-0264-019-0000	4	647.90
ANDERSON LIVING TRUST	2224 - 26th Street	010-0173-015-0000	4	2,077.77
ASHFORD, Kristine Marie	3835 Jeffrey Way	019-0034-021-0000	5	453.49
EALES, Terry & Mary Ellen	4117 - 54th Street	021-0125-010-0000	5	796.96
FORREST, Donald M.	5324 S Street	011-0064-004-0000	5	240.38
FOURTEENTH STREET TRUST	1315 D Street	002-0084-009-0000	1	955.12
FRANK, Earl P.	3800 - 39th Street	014-0261-009-0000	5	578.19
GOLDEN, Eric A.; McCain, Barbara J.	617 - 14th Street	002-0165-023-0000	1	731.92
GRAND COURT SACRAMENTO ASSOCIATES	7548 Greenhaven Drive	031-0070-073-0000	7	3,397.74
LAMAR, Duke & Lucy Gomez	212 Southgate Road	275-0173-004-000	2	939.33
LAWRENCE, Ronald A.	8082 Grandstaff Drive	117-0075-004-0000	7	936.81
MILLER, Mary Frances	3829 - 39th Street	014-0262-018-0000	5	625.48

17.

DELINQUENT SIDEWALK REPAIR COSTS

Name	Property Address	Parcel Number	Council District	Amount
MOHANNA, Mohammed H.	904 J Street	006-0101-004-0000	1	960.00
MOHANNA, Mohammed H.	906 J Street	006-0101-005-0000	1	2,050.00
OWENS, Rose Lee	2385 - 25th Avenue	018-0154-016-0000	5	462.72
PAPPAS, Peter B. & Sophie	4505 T Street	011-0124-002-0000	5	618.35
PRIDE, John L. & Gretchen G.	1672 Rosalind	252-0261-021-0000	2	237.28
RAMIREZ-GUTIERREZ, Monica; AVILA, Gustavo A.	3801 - 20th Avenue	020-0215-015-0000	5	604.39
SAM/DEANNA WILLIE THORNTON LAW 1994 REVOCABLE TRUST	7533 - 29th Street	049-0184-004-0000	8	595.10
SCHLEICHER, Peggy L.	4011 - 60th Street	021-0062-027-0000	6	656.28
SOWARDS, James A. & Joanne M.; SOWARDS, Gary D.	1024 J S treet	006-0103-008-0000	1	1,350.00
VERTREES, Donald P.	7501 - 25th Avenue	023-0184-009-0000	6	509.00
WHITVER, Howard E.	8178 Lake Forest Drive	079-0114-021-0000	6	872.80
WOODHOUSE, Jeffrey & Tammi L.	645 Calvados Avenue	275-0101-012-0000	2	<u>371.80</u>
				<u>\$24,897.63</u>

8/3/00 item 10.3

T H E D A I L Y R E C O R D E R

This space for filing stamp only

~ SINCE 1911 ~

1115 H Street, P.O. Box 1048, Sacramento, California 95812
Telephone (916) 444-2355 • Fax (916) 444-0636

VALERIE BURROWES
SAC. CITY CLERK PO#8070060934
915 I ST., RM. 304/ V. HENRY
SACRAMENTO CA 95814

SC#: 00140100

**CITY OF SACRAMENTO
NOTICE OF HEARINGS**
PUBLIC NOTICE is hereby given that on the date of ~~August 3, 2000~~, at the hour of ~~7:00 p.m.~~ the following hearing will be held in the City Council Chambers, City Hall, Second Floor, 915 I Street, Sacramento, California:
To confirm, reject or modify delinquent service fee liens on properties for Utility Services, Weed Abatement and Sidewalk Repairs.
Further information may be obtained from the Office of the City Clerk, 915 "I" Street, Room 304, Sacramento, California (916) 264-5427.
SACRAMENTO CITY COUNCIL
BY: VALERIE A. BURROWES
CITY CLERK
AD NO. 9103
07/24/00

SC- 140100#

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of Sacramento) ss

Notice type: GPHSA Sac City Public Hrg

Ad description: AD NO 9103

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of THE DAILY RECORDER, a daily newspaper published in the English language in the City of Sacramento, County of Sacramento, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of Sacramento, State of California, under date of May 2, 1913, Case No. 16,180. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

07/24/00

Executed on: 07/24/00
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Signature



RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
Jul 26 2 28 PM '00

T H E D A I L Y R E C O R D E R

~ SINCE 1911 ~

1115 H Street, P.O. Box 1048, Sacramento, California 95812
Telephone (916) 444-2355 • Fax (916) 444-0636

This space for filing stamp only

VALERIE BURROWES
SAC. CITY CLERK PO#8070060934
915 I ST., RM. 304/ V. HENRY
SACRAMENTO CA 95814

SC#: 00140100

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SACRAMENTO CITY COUNCIL
BY: VALERIE A. BURROWES
CITY CLERK
AD NO. 9103
07/24/00

SC- 140100#

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07/24/00

Executed on: 07/24/00
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Signature

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO
JUL 26 2 28 PM '00

CITY OF SACRAMENTO

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SACRAMENTO CITY COUNCIL

**BY: VALERIE A. BURROWES
CITY CLERK**

AD NO. 9103
RUN 1 TIME: 7/24/00
2 PUB PROOFS