



REPORT TO COUNCIL

City of Sacramento

9

915 I Street, Sacramento, CA 95814-2671
www. CityofSacramento.org

CONSENT
May 9, 2006

Honorable Mayor and
Members of the City Council

Subject: Code Enforcement Case Fees and Penalties – Findings of Fact for Special
Assessment Liens

Location/Council District: Citywide

Recommendation:

Adopt a 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: Ron O'Connor, Code Enforcement Manager
Presenter: Ron O'Connor
Department: Code Enforcement
Organization No: 4651

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.

Committee/Commission Action: None

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 has 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:

The proposed resolution will not have any adverse environmental impact.

Policy Considerations:

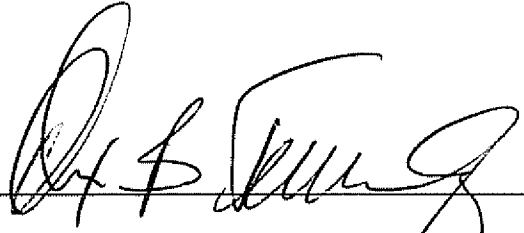
Conducting the lien hearing is in accordance with Sacramento City Code Titles 8.96 and 8.100. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner or hearing board for the stated violation. Each owner was afforded the additional opportunity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

Emerging Small Business Development (ESBD):

Not Applicable

Respectfully Submitted by:


MAX B. FERNANDEZ
Director, Code Enforcement Department

Approved by:


for CASSANDRA JENNINGS
Assistant City Manager

Recommendation Approved:


for RAY KERRIDGE
City Manager

Table of Contents:

Pg 1-3 Report

Pg 4-5 Resolution

Pg 6-7 Resolution Exhibit A

Subject: Code Enforcement Case Fees and Penalties – Findings of Fact for Special Assessment Liens

RESOLUTION NO.

Adopted by the Sacramento City Council

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, Chapter 8.96.320 and 8.04.110 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, Chapter 8.96.320 and 8.04.110; 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:

- 1. The reasonable penalties in the aggregate amount not to exceed \$27,730.08 for paid fees and penalties is the sum set forth on Exhibit A incorporated into this Resolution. This amount may be reduced as staff determines necessary.
- 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.
- 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.

4. Such lien also constitutes a personal obligation against the owner of the property.
5. The City Clerk shall transmit a certified copy of this Resolution to the Sacramento County Auditor/Controller.

Table of Contents:

Exhibit A: Case Fees & Penalties (2 pages)

Subject: Code Case Fees and Penalties – Findings of Fact for Special Assessment Liens

May 9, 2006
Exhibit A

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	014-0064-018-0000	C050029070	4225 Y St	Gloria Plaza	\$875.00	NS060106	5	0206
2	014-0091-035-0000	C050040194	3736 2nd Av	Donald R. Hurt	\$690.00	NS060173	5	0206
3	019-0201-034-0000	C050018655	2495 Fruitridge Rd	Fabian RT 1999	\$7,244.87	NS060067	5	0206
4	020-0022-008-0000	C040032908	3464 12th Av	Tasha Norris	\$395.00	NS060144	5	0206
5	020-0022-008-0000	C040032908	3464 12th Av	Tasha Norris	\$500.00	CEAP060004	5	0206
6	022-0101-010-0000	C050014627	5071 Martin Luther King Blvd	Herlinda Padilla	\$875.00	NS060055	5	0206
7	023-0094-012-0000	C050033033	4971 78th St	Diane M. Motrbacher	\$260.00	NS060104	6	0206
8	025-0231-015-0000	C040039343	5926 Franklin Bl	Chad E & Christopher N. Jensen	\$875.00	NS060114	6	0206
9	031-0191-002-0000	V050005859	7406 Myrtle Vista Av	William L & Jean R Brown	\$875.00	NS060147	4	0206
10	031-0191-002-0000	V050005859	7406 Myrtle Vista Av	William L & Jean R Brown	\$3,500.00	CEAP060006	4	0206
11	035-0177-004-0000	C050030041	2180 Mangrum Av	Leo F & Maria R Starnes	\$875.00	NS060102	5	0206
12	038-0061-012-0000	C050010656	7421 Lemon Hill Av	Cate Family/Richard Ergo	\$875.00	NS060115	6	0206
13	038-0061-012-0000	C050010656	7421 Lemon Hill Av	Cate Family/Richard Ergo	\$1,000.00	CEAP060001	6	0206
14	047-0181-022-0000	G050043441	7327 21st St	Yarak Condo Project	\$430.00	GA060002	8	0206
15	049-0143-008-0000	C050039765	2716 Woodviolet	Linda Miller	\$185.00	NS060125	8	0206
16	052-0055-004-0000	V050021291	7624 19th St	Jesse R & Lynda M Torres	\$260.00	NS060065	8	0206
17	052-0073-009-0000	C050020680	2162 Ferran Av	Michael Sullivan	\$875.00	NS060060	8	0206
18	052-0111-001-0000	C050025969	7601 Amherst St	Gahazala Iffat	\$285.00	NS060048	8	0206
19	117-0036-004-0000	C050010765	6452 Valley Hi Drive	Christopher & Sandra North	\$950.00	NS060059	7	0206
20	117-0680-081-0000	C050032633	8356 Langtree Wy	Or Luko	\$300.00	NS060112	7	0206
21	118-0033-038-0000	C050020362	7748 Quinby Wy	John V & Juan R & Maria Garcia	\$950.00	NS060044	8	0206
22	215-0230-063-0000	C040026758	1220 Ascot Av	Kenneth D Peachey & Imogene Zander	\$1,210.21	NS060151	2	0206
23	215-0230-063-0000	C040026758	1220 Ascot Av	Kenneth D Peachey & Imogene Zander	\$3,000.00	CEAP060008	2	0206

Subject: Code Case Fees and Penalties – Findings of Fact for Special Assessment Liens

May 9, 2006
Exhibit A

24	215-0260-028-0000	C050005708	1315 Santa Ana Av	Joan Nita	\$260.00	NS060043	2	0206
25	052-0072-010-0000	C050011714	2163 Ferran Av	Herman C. Osby Jr.	\$185.00	NS050303	8	0206

TOTAL TO BE LIENED:

\$27,730.08