



APPROVED
BY THE CITY COUNCIL

SEP 1 1998

OFFICE OF THE
CITY CLERK

1.11

NEIGHBORHOODS, PLANNING
AND DEVELOPMENT SERVICES
DEPARTMENT

DEVELOPMENT SERVICES DIVISION

CITY OF SACRAMENTO
CALIFORNIA

1231 J STREET, SUITE 200
SACRAMENTO, CA 95814

HOUSING AND DANGEROUS
BUILDINGS INSPECTIONS
PH 916-264-5404
FAX 916-264-6833

August 17, 1998

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, Neighborhoods, Planning & Development Services Department, 264-8183

FOR COUNCIL MEETING OF: September 1, 1998

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 49 and 50 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 49 and 50, 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, Title §49.16 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 49 and 50, 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.

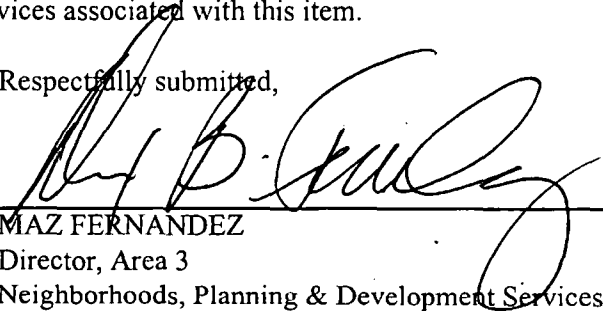
POLICY CONSIDERATIONS:

Conducting the lien hearing is in accordance with Sacramento City Code Titles 49 and 50. 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.


MBE/WBE


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

Respectfully submitted,


MAZ FERNANDEZ
Director, Area 3
Neighborhoods, Planning & Development Services Dept

Approved for Council Information:


WILLIAM H. EDGAR
City Manager


JACK CRIST
Deputy City Manager

Attachment

APPROVED
BY THE CITY COUNCIL

SEP 1 1998

OFFICE OF THE
CITY CLERK

RESOLUTION NO. 98-452

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

WHEREAS, heretofore the Neighborhood Services Department, Code Enforcement Division, in accordance with Sacramento City Code, Chapter 50.09 did provide a hearing before the Housing Code Advisory and Appeals Board (HCAAB) to consider all protests for unpaid fees and penalties, if any; and

WHEREAS, notice of the time and place of HCAAB hearing was given in accordance with Sacramento City Code, Chapter 50.90; and

WHEREAS, the Neighborhood Services Department, Code Enforcement Division, established by competent evidence before the HCAAB 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, established by competent evidence before the HCAAB 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.

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

1. That, the reasonable penalties in the aggregate amount of \$17,220.58 for unpaid fees and penalties is the sum set forth on the attachment 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, 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

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RESOLUTION NO.: _____

DATE ADOPTED: _____

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Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
001-0142-018-0000	1401NCST00	1401 North C St	Charles A. Fishburne & Karen J. Fishburne	816.50	HCE50466	1	0656
013-0302-007-0000	37326AV00	3732 6th Av	Belton P. Mouras Jr.	1,588.73	HCE50505	5	0656
013-0332-015-0000	341433ST01	3414 33rd St	Fred A. Arriba & June M. Arriba	938.40	HCE50507	5	0656
014-0195-018-0000	3100STOC00	3100 Stockton Bl	Francisco Ramirez & Karen Ramirez	1,000.00	VBAP39648	5	0629
019-0075-005-0000	4475POW00	4475 Pow Wy	Ruth C. Hammontree	500.00	VBAP43752	5	0629
035-0152-007-0000	2061BERG01	2061 Berg Av	William S. Henderson	1,000.00	VBAP43755	4	0629
036-0133-011-0000	6643CARN01	6643 Carnation Av	Romanita Ortiz Ramos, Joe Louis Ramos, Guadalupe Louis Ramos	4,709.25	HCE50520	5	0201
226-0140-046-0000	1100CLAI00	1100 Claire Av	Wendall Reid & Lorraine Reid	759.00	HCE48431	2	0656
266-0272-041-0000	1762HELE01	1762 Helena Av	Calvin Sippola & Iris Mitchell Sippola	3,864.00	HCE50516	2	0201
275-0131-005-0000	1700DELPXX	1700 Del Paso Bl	Ashwin Patel & Minaxi Patel & Thakor K. Patel & Manju Patel	2,044.70	HCE50521	2	0656

TOTAL TO BE LIENED:

\$ 17,220.58

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