



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604

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PUBLIC HEARING
June 17, 2008

**Honorable Mayor and
Members of the City Council**

Title: Housing 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 special assessment liens on the properties in the amount of **\$31,762.04** 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, 808-8183

Presenters: Ron O'Connor, Code Enforcement Manager

Department: Code Enforcement

Organization No: 4653

Description/Analysis

Issue: Collection of delinquent fees and penalties are brought before the City Council to secure the debt by placing special assessment 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.

Policy Considerations: Conducting the special assessment 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 special assessment 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.

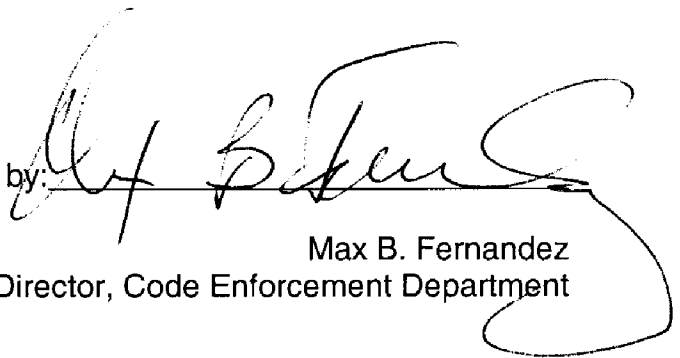
Commission/Committee Action: None

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: Special Assessment 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 special assessment liens would be included in the approved budget.

Emerging Small Business Development (ESBD): Not Applicable

Respectfully Submitted by:


Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:

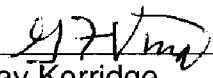
for 
Ray Kerridge
City Manager

Table of Contents:

Report	pg. 1
Attachments	
1 Background	pg. 3
2 Resolution	pg. 4
3 Exhibit A: Findings of Fact	pg. 6

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 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.

RESOLUTION NO. 2008-

Adopted by the Sacramento City Council

June 17, 2008

**ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND
PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS
FOR HOUSING AND DANGEROUS BUILDINGS CASE FEES AND PENALTIES**

BACKGROUND

- A. The Code Enforcement Department, Housing & Dangerous Buildings Inspections, in accordance with Sacramento City Code, Chapter 8.96 Article IX provided 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.
- B. Notice of the time and place of hearing was given in accordance with Sacramento City Code, Chapter 8.96 Article IX
- C. The Code Enforcement Department, Housing & Dangerous Buildings Inspections, established by competent evidence before the HCAAB and/or appointed third-party 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 \$31,762.04 for unpaid fees and penalties is the sum set forth by the HCAAB and/or appointed third-party Hearing Examiners' findings of fact of hearing held April 9, 2008. 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.

Table of Contents:

Exhibit A – List of Properties to be Liened

LINE	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE	CD	CT Y ID
1	007-0154-016-0000	2213NST00	2213 N ST	CASTRO RICK/LAWRENCE D FOX	\$1504.32	HCE080062	3	678
2	010-0074-002-0000	H050040655	1974 36th St	MI HOGAR LLC	\$1,013.01	VBAP080010	5	629
3	010-0074-002-0000	H050040655	1974 36th St	MI HOGAR LLC	\$2,500.00	VBAP080011	5	629
4	010-0074-002-0000	H050040655	1974 36th St	MI HOGAR LLC	\$500.00	HSAP080010	5	656
5	010-0074-002-0000	H050040655	1974 36th St	MI HOGAR LLC	\$1,566.00	HCE080177	5	656
6	010-0352-006-0000	06-022288	2456 2nd Av	DEBORAH E JOSHUA	\$313.01	CEDCHC00030	5	678
7	014-0102-023-0000	H050044723	3999 4th Av	ROODENBURG FRANS	\$715.82	HCE080119	5	629
8	014-0102-024-0000	H050044722	3997 4th Av	ROODENBURG PETRONELLA HD	\$424.82	HCE080118	5	629
9	014-0185-040-0000	E050042089	3201 Santa Cruz Wy	HSBC BANK USA	\$1,447.71	CEDCVP00001	5	656
10	014-0193-023-0000	06-018606	3221 44th St	RAMIREZ JOSE J/JALICIA	\$1,000.00	CEDCHA00004	5	656
11	014-0193-023-0000	06-018606	3221 44th St	RAMIREZ JOSE J/JALICIA	\$1,155.00	CEDCHC00035	5	656
12	020-0061-011-0000	07-035147	4028 38th St	SUZANNE BROWN	\$185.00	CEDCHC00036	5	656
13	020-0061-011-0000	07-035147	4028 38th St	SUZANNE BROWN	\$1,297.01	CEDCHC00037	5	678
14	020-0266-005-0000	H050047119	3332 21 st St	OLAYEMI OYENKANSOLA	\$1388.32	HCE080019	5	656
15	020-0266-005-0000	H050047119	3332 21 st St	OLAYEMI OYENKANSOLA	\$1229.00	HCE080020	5	678
16	020-0266-005-0000	H050047119	3332 21 st St	OLAYEMI OYENKANSOLA	\$1676.67	HSAP080003	5	656
17	021-0271-036-0000	06-025447	4310 77th St	DAVID & ANKA DJURDJEVIC	\$600.00	HCE080196	6	656
18	035-0177-004-0000	H050029849	2180 Mangrum Av	LEO F. STARNES	\$2,000.00	CEDCHA00005	5	656
19	035-0177-004-0000	H050029849	2180 Mangrum Av	LEO F. STARNES	\$1,679.01	CEDCHC00044	5	656
20	036-0024-009-0000	06-007989	6132 Ventura St	KHAN NAZRANA	\$525.00	CEDCHA00003	5	656
21	036-0112-022-0000	06-001285	2710 50th Av	AJESHNI SHARMA	\$318.82	HCE080106	5	656
22	041-0015-009-0000	H060006215	2604 53rd Av	NAZRANA KHAN	\$700.00	HCE080107	5	656
23	117-0560-026-0000	H050019114	22 Suntrail Cr	DEUTSCHE BANK NATIONAL TRUST COMPANY	\$900.00	HCE60073	7	657
24	117-024-0043-0000	H040016638	6096 Heath Wy	NICODEMOS CUELLAR	\$2,000.00	CEDCHA00008	7	656
25	117-0240-043-0000	H040016638	6096 Heath Wy	NICODEMOS CUELLAR	\$1,343.01	CEDCHC00046	7	656
26	226-0101-050-0000	06-020924	705 Claire Av	PEDRO E GALVEZ/ADELINE T GALVEZ	\$185.00	CEDCHC00042	2	656
27	252-0262-008-0000	06-022283	3397 Montrose St	CDL FAMILY TRUST	\$616.50	CEDCHC00040	1	656
28	277-0194-027-0000	06-016098	2144 Yorkshire Rd	JEFFERY W HUSK	\$1,155.00	HCE080110	3	656
29	277-0194-027-0000	06-016098	2144 Yorkshire Rd	JEFFERY W HUSK	\$424.01	HCE080113	3	629
30	277-0194-027-0000	06-016098	2144 Yorkshire Rd	JEFFERY W HUSK	\$1,000.00	VBAP080004	3	629
31	277-0194-027-0000	06-016098	2144 Yorkshire Rd	JEFFERY W HUSK	\$1,000.00	VBAC080005	3	629
					\$31,762.04			