



3.9

APPROVED

JUL 17 2003

OFFICE OF THE
CITY CLERK

NEIGHBORHOOD SERVICES
DEPARTMENT

**CITY OF SACRAMENTO
CALIFORNIA**

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

Code Enforcement
916-264-5948
FAX: 264-7722

June 5, 2003

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: CODE ENFORCEMENT 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 a lien on the property for unpaid fees and penalties and transmit the unpaid cost to the Sacramento County Auditor/Controller as a special assessment against the properties.

**CONTACT PERSON: Robert L. Rose, Chief of Code Enforcement, Neighborhood Services
Department, 264-5947**

FOR COUNCIL MEETING OF: July 17, 2003

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 Title 8 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 Title 8, and was afforded an opportunity to appear before the Hearing Examiner, an appointed third-party examiner. Subsequent to the hearing, a "Decision of 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 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, Titles 8.96.320 and 8.04.110 allow 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 Title 8, 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:

The proposed resolution will not have any adverse environmental impact.

POLICY CONSIDERATIONS:

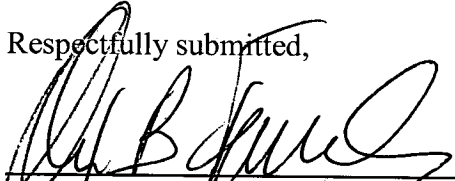
Conducting the lien hearing is in accordance with Sacramento City Code Title 8. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner for the stated violation. Each owner was afforded the additional opportunity to protest the imposition 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.

E/SBD ISSUES:

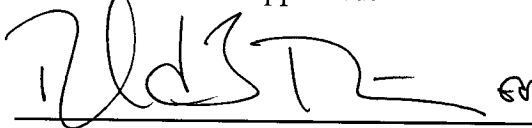
Not applicable.

Respectfully submitted,



MAX/B. FERNANDEZ
Director, Area 1
Neighborhood Services Department

Recommendation approved:



ROBERT P. THOMAS
City Manager

Attachments

TABLE OF CONTENTS

1. Resolution pgs 4 & 5
2. Attachment to Resolution pgs 6 & 7

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APPROVED

JUL 17 2003

OFFICE OF THE
CITY CLERK

AMENDED

2003-473

RESOLUTION NO.

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 CODE ENFORCEMENT CASE FEES AND PENALTIES

WHEREAS:

- A. The Neighborhood Services Department, Code Enforcement Division, in accordance with Sacramento City Code, Chapters 8.96.320 and 8.04.110 did provide a hearing before the appointed third-party Hearing Examiner to consider the protest for unpaid fees and penalties, if any; and
- B. Notice of the time and place of hearing was given in accordance with Sacramento City Code, Chapters 8.96.320 and 8.04.110; and
- C. The Neighborhood Services Department, Code Enforcement Division, established by competent evidence before the Hearing Examiner that the unpaid fees and penalties had been imposed in accordance with City Code; and
- D. The Neighborhood Services Department, Code Enforcement Division, established by competent evidence before the Hearing Examiner that the unpaid fees and penalties are due; and
- E. The City Council has found the unpaid fees and penalties to be a reasonable cost.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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

1. The reasonable penalties in the aggregate amount of \$24,844.20 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution.
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.

ATTEST:

MAYOR

CITY CLERK

Attachment

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Code Enforcement Case Fees & Penalties -- Attachment

July 17, 2003

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	009-0343-032-0000	C020030055	2753 San Luis Ct	William & Frances M. Ong	475.00	NS030179	4	0206
2	014-0023-021-0000	C020014379	4045 Miller Wy	Khan Ming Chinn	2,715.00	NS030250	5	0206
3	014-0246-017-0000	C020027564	3549 42nd St	Alice L. Daniels	715.00	NS030230	5	0206
4	016-0243-021-0000	C020003273	1125 28th Av	Yukiko Louie	810.00	NS030248	4	0206
5	020-0061-015-0000	C020031731	4036 38th St	River City Investors I	715.00	NS030208	5	0206
6	021-0041-033-0000	C010013299	3911 55th St	Laura Barber Chano	865.00	NS030224	5	0206
7	024-0193-004-0000	C020024268	5881 14th St	Robert W & Christine A. Bautista	715.00	NS030207	4	0206
8	025-0092-005-0000	C020026376	3020 32nd Av	Chue Xiong and Vang Koua	715.00	NS030252	4	0206
9	048-0133-005-0000	C020035267	2142 Kirk Wy	Jona Henson	175.00	NS030215	8	0206
10	048-0194-008-0000	C020032709	2169 Amanda Wy	Naziya Khan	715.00	NS030227	8	0206
11	049-0131-009-0000	C020032410	7489 24th Street	Jack S. Chang	175.00	NS030214	8	0206
12	049-0234-005-0000	C020032972	3101 Meadowview	Jimmy & My H. Sou	765.00	NS030246	8	0206
13	052-0142-008-0000	C020017002	7749 Reenel Wy	Armen Prasad	715.00	NS030231	8	0206
14	237-0174-007-0000	C010030601	1525 Jessie Av	Lee R. Richardson	2,007.00	NS030222	2	0206
15	238-0092-034-0000	C010028067	310 Chennault	Parbha Vati	1,309.00	NS030242	1	0206
16	238-0201-006-0000	C020018469	2213 North AV	Si Holdings L.P.	175.00	NS030218	2	0206

FOR CITY CLERK USE ONLY

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DATE ADOPTED: _____

Code Enforcement Case Fees & Penalties -- Attachment

July 17, 2003

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
17	250-0312-024-0000	C020031662	3251 Nareb St	Bobbie J. Hunt	175.00	NS030233	2	0206
18	251-0083-008-0000	C020023779	3821 Balsam St	Sabrina N. Hilyer	350.00	NS030211	2	0206
19	251-0183-004-0000	C020026844	1520 Nogales St	Mark S. Axup	715.00	NS030238	2	0206
20	252-0122-006-0000	C020010956	3729 Mahogany St	Ronald Starr	5,668.20	NS030243	2	0206
21	263-0161-005-0000	C020016208	440 Eleanor Av	Fort Sutter Development Corp., Inc.	1,315.00	NS030226	2	0206
22	265-0201-026-0000	C020030655	2765 Rio Linda Bl	Rio Linda Associates Business Trust	715.00	NS030237	2	0206
23	265-0261-024-0000	C020020990	2709 Ellen St	R M S Properties Llc	715.00	NS030212	2	0206
24	274-0141-013-0000	C020034441	230 W. El Camino	Tien N. Pham	715.00	NS030234	1	0206
25	277-0072-006-0000	C020017304	2359 Erickson St	David H. Alexander	715.00	NS030239	2	0206

TOTAL TO BE LIENED:**\$24,844.20****FOR CITY CLERK USE ONLY****AMENDED RESOLUTION NO.:** _____**DATE ADOPTED:** _____