



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
[www. CityofSacramento.org](http://www.CityofSacramento.org)

PUBLIC HEARING
October 14, 2008

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

Title: Code Enforcement 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 liens on the properties in the amount of **\$93,343.00** for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Dennis Kubo, Program Manager, 808-8577

Presenters: Dennis Kubo, Program Manager

Department: Code Enforcement

Division: Neighborhood Code Compliance

Organization No: 20001111

Description/Analysis

Issue: Collection of 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 Chapter 8.04 of the Sacramento City Code.

Policy Considerations: Conducting the lien hearing is in accordance with Sacramento City Code Chapter 8.04. 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.

Sustainability Considerations: There are no applicable sustainability considerations.

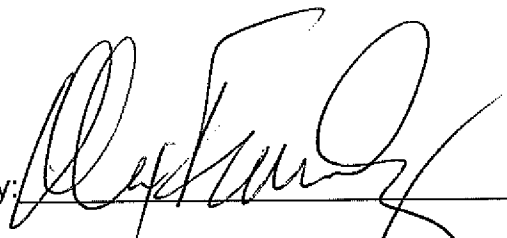
Environmental Considerations: The proposed resolution will not have any adverse environmental impact.

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: 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.

Emerging Small Business Development (ESBD): Not Applicable

Respectfully Submitted by: 
Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:

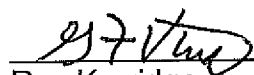

for Ray Kerridge
City Manager

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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 Chapter 8.04, and was afforded an opportunity to appear before an appointed third-party Hearing 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, Section 8.04.430 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 Chapter 8.04, 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

October 14, 2008

**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, Sections 8.04.370 through 8.04.420, 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 Section 8.04.390.
- 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:**

Section 1: The reasonable penalties in the aggregate amount not to exceed **\$93,343.00** for unpaid fees and penalties is the sum set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on July 23, 2008 and August 27, 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.

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Exhibit A – List of Properties a lien will be placed upon

Exhibit A

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	002-0115-002-0000	07-054571	411 11TH ST	TERWIN MTG TRUST 2007-2ALT	\$931.00	CEDCNU00367	1	0206
2	008-0043-005-0000	07-033785	848 MISSION WY	MALABED HELENE	\$931.00	CEDCNU00365	3	0206
3	008-0043-005-0000	07-033785	848 MISSION WY	MALABED HELENE	\$1,000.00	CEDCEA00046	3	0206
4	008-0043-005-0000	07-033785	848 MISSION WY	MALABED HELENE	\$1,000.00	CEDCEA00045	3	0206
5	010-0384-006-0000	07-033984	3634 2ND AV	FEDERAL HOME LOAN MTG CORP	\$1,069.33	CEDCNU00456	5	0206
6	013-0284-017-0000	08-007723	3356 33RD ST	SERNICH ANA MARIA	\$85.00	CEDCNU00473	5	0206
7	014-0081-009-0000	07-045598	4001 1ST AV	TEACH WILLIAM DEAN	\$845.01	CEDCNU00246	5	0206
8	014-0132-018-0000	06-000890	3865 BROADWAY	TINA KOULOULIAS	\$1,089.25	CEDCNU00176	5	0206
9	014-0132-018-0000	06-000890	3865 BROADWAY	TINA KOULOULIAS	\$2,000.00	CEDCEA00011	5	0206
10	014-0132-018-0000	06-000890	3865 BROADWAY	TINA KOULOULIAS	\$2,000.00	CEDCEA00017	5	0206
11	014-0142-011-0000	07-055621	4007 BROADWAY	PEREZ ROSALIO O/EST OF	\$1,006.00	CEDCNU00435	5	0206
12	014-0142-011-0000	07-055621	4007 BROADWAY	PEREZ ROSALIO O/EST OF	\$2,000.00	CEDCEA00053	5	0206
13	014-0173-001-0000	07-049994	3201 MARTIN L KING BL	LENH LONG SAU	\$1,481.00	CEDCNU00338	5	0206
14	014-0173-001-0000	07-049994	3201 MARTIN L KING BL	LENH LONG SAU	\$1,500.00	CEDCEA00037	5	0206
15	014-0185-011-0000	08-001872	3110 SAN JOSE WY	ELSTON DORIS M	\$831.00	CEDCNU00493	5	0206
16	014-0185-020-0000	08-001873	3250 SAN JOSE WY	DEUTSCHE BANK NATIONAL TRUST COMPANY	\$931.00	CEDCNU00504	5	0206
17	014-0203-011-0000	07-056192	3388 40TH ST	CKW HOLDINGS LLC C/O CECIL O WILLIAMS	\$831.00	CEDCNU00366	5	0206
18	014-0243-004-0000	07-042571	3520 41ST ST	KARYN REICHEL	\$845.01	CEDCNU00131	5	0206
19	015-0342-017-0000	07-046374	6772 9TH AV	ALDRIDGE CHARLOTTE ANN	\$1,345.01	CEDCNU00277	6	0206
20	015-0342-017-0000	07-046374	6772 9TH AV	ALDRIDGE CHARLOTTE ANN	\$1,000.00	CEDCEA00022	6	0206
21	019-0024-003-0000	08-002835	3720 EAST PACIFIC AV	MENDOZA JESSE MANUEL	\$831.00	CEDCNU00481	5	0206

22	019-0043012-0000	07-053045	3932 FRANKLIN BL	SAMUDIO GUADALUPE	\$2,710.98	CEDCNU00342	5	0206
23	019-0072-005-0000	08-001194	2561 19TH AV	U S BANK	\$3,190.30	CEDCNU00509	5	0206
24	020-0031-012-0000	07-051690	3833 36TH ST	CANDELERIO MICHAEL	\$831.00	CEDCNU00438	5	0206
25	020-0061-039-0000	07-052627	3701 1/2 16TH AV	DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE C/O AMC MORTGAGE SERVICES ATTN:REG DPT.	\$1,014.01	CEDCNU00460	5	0206
26	020-0061-039-0000	07-052627	3701 1/2 16TH AV	DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE C/O AMC MORTGAGE SERVICES ATTN:REG DPT.	\$1,500.00	CEDCEA00055	5	0206
27	023-0092-016-0000	08-001722	5020 BRADFORD DR	GUTIERREZ LEONORVERONICA	\$831.00	CEDCNU00419	6	0206
28	023-0183-008-0000	07-054165	7411 25TH AV	CARLOS MORAN	\$1,417.00	CEDCNU00350	6	0206
29	023-0183-008-0000	07-054165	7411 25TH AV	CARLOS MORAN	\$2,000.00	CEDCEA00039	6	0206
30	027-0115-015-0000	08-005647	6353 JANSEN DR	BINGHAM JOYCELYN L	\$831.00	CEDCNU00491	6	0206
31	027-0161-024-0000	08-002579	8001 34TH AV	HSBC MORTGAGE SERVICES INC	\$831.00	CEDCNU00500	6	0206
32	030-0540-011-0000	07-055717	6828 HAVENSIDE DR	YING C. JUE	\$100.00	CEDCNU00357	7	0206
33	030-0540-011-0000	07-055717	6828 HAVENSIDE DR	YING C. JUE	\$422.00	CEDCVE00003	7	0206
34	030-0540-011-0000	07-055717	6828 HAVENSIDE DR	YING C. JUE	\$2,000.00	CEDCEA00041	7	0206
35	035-0084-031-0000	08-001216	1380 HOPKINS ST	WASHINGTON DAVID A/ROBERT E JR	\$831.00	CEDCNU00422	4	0206
36	035-0142-004-0000	08-003129	2128 47TH AV	RODRIGUEZ JUANITA EJACOB	\$831.00	CEDCNU00412	5	0206
37	035-0285-001-0000	08-001006	2360 57th av	WOODS WILLA B	\$709.00	CEDCNU00455	5	0206
38	036-0042-001-0000	07-045344	2500 43RD AV	DELATORRE MARIA	\$831.00	CEDCNU00353	5	0206
39	040-0143-009-0000	07-031596	7649 52ND AV	BELL MARTIN BELL RICHARD	\$3,395.28	CEDCNU00330	6	0206
40	040-0143-009-0000	07-031596	7649 52ND AV	BELL MARTIN BELL RICHARD	\$844.00	CEDCVE00001	6	0206
41	040-0143-009-0000	07-031596	7649 52ND AV	BELL MARTIN BELL RICHARD	\$2,000.00	CEDCEA00036	6	0206

42	043-0260-048-0000	08-004081	7755 LEAVERITE WY	BANK OF NEW YORK	\$831.00	CEDCNU00450	6	0206
43	049-0153-001-0000	07-035657	7511 LOMA VERDE WY	BOYLE SEAN/JODI/MARCUS MCMAHAN/KIM	\$3,963.25	CEDCNU00174	8	0206
44	049-0470-062-0000	07-048586	3940 LIMESTONE WY	ANDERSON GENE BIRK JR	\$906.00	CEDCNU00505	8	0206
45	053-0053-002-0000	08-002614	3371 JOLA CR	STREETER LINDA P	\$85.00	CEDCNU00407	8	0206
46	117-0543-003-0000	07-041520	8234 LOCKBORNE DR	BAZAN BRIAN	\$845.01	CEDCNU00236	7	0206
47	119-0430-006-0000	08-000591	8041 DEER WATER DR	AURORA LOAN SERVICES LLC	\$85.00	CEDCNU00337	7	0206
48	225-2050-038-0000	07-039066	2997 TRAP ROCK WY	CHAO CHUNG V	\$499.00	CEDCNU00348	1	0206
49	237-0081-046-0000	08-000796	917 BELL AV	PLACENCIA PEDRO M	\$831.00	CEDCNU00411	2	0206
50	237-0215-010-0000	07-051726	1053 NORTH AV	Perry Joseph D & Susan Ann	\$845.01	CEDCNU00168	2	0206
51	237-0434-006-0000	07-042351	175 GUNNISON AV	KENNETH L. THOMAS, DEBORAH A. THOMAS, ROBERT D. TEIG, RITA M. TEIG	\$945.01	CEDCNU00206	2	0206
52	237-0500-067-0000	08-002304	4636 BAYWIND DR	PAGEL FAMILY TRUST	\$931.00	CEDCNU00451	2	0206
53	238-0201-035-0000	07-051598	2309 MOGAN AV	PENN JOANNE	\$845.01	CEDCNU00197	2	0206
54	250-0160-008-0002	06-020489	430 W SILVER EAGLE RD	CARMEN SOLORIO/NICHOLAS SOLORIO	\$5,845.06	CEDCNU00461	1	0206
55	250-0160-008-0002	06-020489	430 W SILVER EAGLE RD	CARMEN SOLORIO/NICHOLAS SOLORIO	\$422.00	CEDCNU00005	1	0206
56	250-0312-024-0000	07-054772	3251 NAREB ST	HUNT BOBBIE J	\$99.01	CEDCNU00290	2	0206
57	250-0380-033-0000	07-048842	700 TURNSTONE DR	CASTILLO OSCAR/SONIA	\$845.01	CEDCNU00146	1	0206
58	251-0052-026-0000	07-051060	920 HARRIS AV	SMITH KELLY L	\$845.01	CEDCNU00209	2	0206
59	251-0212-045-0000	07-053467	1337 RIVERA DR	FEDERAL HOME LN MTS CORPORATION	\$831.00	CEDCNU00494	2	0206
60	251-0230-038-0000	07-044752	3300 MARYSVILLE BL	SEGALE TRUST/CLARENCE L DAMITZ/ETAL	\$931.00	CEDCNU00513	3	0206
61	251-0230-038-0000	07-044752	3300 MARYSVILLE BL	SEGALE TRUST/CLARENCE L DAMITZ/ETAL	\$1,500.00	CEDCEA00062	3	0206
62	251-0230-038-0000	07-044752	3300 MARYSVILLE BL	SEGALE TRUST/CLARENCE L DAMITZ/ETAL	\$2,000.00	CEDCEA00063	3	0206
63	251-0330-028-0000	07-036161	3227 PALMER ST	FOSTER SHARON	\$845.01	CEDCNU00180	3	0206

64	252-0214-038-0000	06-021250	1741 ROSALIND ST	DAVID WARD AND ALAN WARD	\$975.00	CEDCNU00433	3	0206
65	252-0214-038-0000	06-021250	1741 ROSALIND ST	DAVID WARD AND ALAN WARD	\$1,000.00	CEDCEA00049	3	0206
66	252-0214-038-0000	06-021250	1741 ROSALIND ST	DAVID WARD AND ALAN WARD	\$1,000.00	CEDCEA00050	3	0206
67	263-0141-043-0000	08-002571	600 LAS PALMAS AV	TOM G Y/BARBARA A TSENG REVOCABLE TRUST	\$831.00	CEDCNU00480	2	0206
68	263-0142-021-0000	07-054006	2748 OAKMONT ST	DAVIS WILLIAM R JR/SANTOS VICTOR DELO	\$845.01	CEDCNU00208	2	0206
69	263-0171-007-0000	07-046999	666 ELANOR AV	DLJ MORTGAGE CAPITAL INC	\$844.35	CEDCNU00051	2	0206
70	263-0171-007-0000	07-049229	666 ELEANOR AV	DLJ MORTGAGE CAPITAL INC	\$931.00	CEDCNU00360	2	0206
71	263-0171-007-0000	07-049229	666 ELEANOR AV	DLJ MORTGAGE CAPITAL INC	\$1,000.00	CEDCEA00042	2	0206
72	263-0202-015-0000	07-055458	763 BOWLES ST	AMERICAN HOME MORTGAGE	\$931.00	CEDCNU00368	2	0206
73	263-0216-023-0000	07-056179	127 EL CAMINO AV	MEDINA MINNIE G	\$99.01	CEDCNU00326	2	0206
74	263-0222-016-0000	07-048487	281 EL CAMINO AV	PRASAD MUNITA A/ROHIT V	\$1,581.00	CEDCNU00261	2	0206
75	263-0222-016-0000	07-048487	281 EL CAMINO AV	PRASAD MUNITA A/ROHIT V	\$2,500.00	CEDCEA00026	2	0206
76	265-0151-008-0000	06-014255	1620 ELDRIDGE AV	MATHISON CARRIE LA REE	\$964.01	CEDCNU00234	3	0206
77	265-0171-020-0000	08-002663	2855 BELDEN ST	PATEL HAYANTI K & NUTAN	\$831.00	CEDCNU00423	2	0206
78	266-0203-017-0000	07-055580	1813 IRIS AV	COLETTI SCOTT E	\$831.00	CEDCNU00346	3	0206
79	266-0332-015-0000	06-020860	2650 CONNIE DR	SELLERS STEVE	\$889.01	CEDCNU00190	3	0206
80	277-0011-016-0000	07-035599	885 DIXIEANNE AV	RIDEOUT MICHAEL R	\$845.01	CEDCNU00230	2	0206
				TOTAL:	\$93,342.97			