

Meeting Date: August 20, 2013

Report Type: Consent

**Law and Legislation
Committee Report**

915 I Street, 1st Floor

www.CityofSacramento.org

Title: Ordinance Related to the Collection of Administrative Penalties by Special Assessment

Location: All

Issue: Currently, administrative penalties are primarily issued through the Community Development Department. However, in order to collect the administrative penalties by special assessment, the Sacramento City Code currently requires the City to follow a procedure that requires the director of the Department of Utilities to review objections and issue responses prior to a hearing.

Recommendation: Pass a motion to approve and forward to City Council an ordinance amending Sacramento City Code section 1.28.010 to require the City to follow the procedure used to specially assess costs of abating public nuisances in order to specially assess unpaid administrative penalties.

Contact: Tina Lee-Vogt, Program Manager, 916-808-2679; Ron O'Connor, Operations Manager, 916-808-8183, Community Development Department.

Presenter: Ron O'Connor, Operations Manager, 916-808-8183, Community Development Department.

Department: Community Development Department

Division: Code Compliance

Dept ID: 21001313

Attachments:

- 01 Description/Analysis
- 02 Ordinance – Clean
- 03 Ordinance – Redline

Submitted By: Tina Lee-Vogt, Program Manager

Adobe Signature:

Approved By: Max Fernandez, Director

Adobe Signature: |

Attachment 01 – Description/Analysis

Issue: Currently, administrative penalties are primarily issued through the Community Development Department. However, in order to collect the administrative penalties by special assessment, the Sacramento City Code currently requires the City to follow a procedure that requires the director of the Department of Utilities to review objections and issue responses prior to a hearing.

The proposed ordinance would amend the City Code to utilize the procedure used to specially assess costs of abating public nuisances instead. This is a more appropriate method to collect fees and penalties for property based nuisance violations.

Staff is requesting that the Law and Legislation Committee approve and forward the attached proposed ordinance to City Council for adoption.

Policy Considerations: The purpose of this amendment is to enhance processing of special assessments to recover administrative penalties and costs of abating public nuisances.

Economic Impacts: This ordinance will not increase or decrease the amount of administrative penalties that are imposed or collected. However, it will increase the efficiency of the collection process.

Environmental Considerations: This project is exempt from CEQA because it does not have the potential for causing a significant effect on the environment. (CEQA Guidelines §15061(b)(3).)

Sustainability: There are no sustainability considerations applicable to amending City Code relating to administrative penalties.

Commission/Committee Action: None.

Rationale for Recommendation: This Ordinance will amend the City Code to enable the Community Development Department to collect administrative penalties through special assessments by going through a process that they are already working with on a regular basis and are currently using to specially assess other fees and costs. It will also relieve the director of the Department of Utilities from having to review these matters that have nothing to do with the operation of his or her department, and re-direct the process more appropriately through the Department that is primarily involved.

Financial Considerations: This Ordinance will increase the efficiency of the Community Development Department's collection of administrative penalties by re-directing the special assessments through a procedure that it is familiar with and is currently using to specially assess other fees and costs.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTION 1.28.010 OF
THE SACRAMENTO CITY CODE RELATING TO
ADMINISTRATIVE PENALTIES**

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

SECTION 1.

A. Subsection D.4.g.v of section 1.28.010 of the Sacramento City Code is amended to read as follows:

v. Special Assessments. The amount of the unpaid administrative penalty, plus interest, plus any other costs as provided in this section, may be made a special assessment against the real property on which the violation occurred. The procedure established by the city council to specially assess costs of abating public nuisances set forth in Article VIII of Chapter 8.04 shall be used to specially assess unpaid administrative penalties.

B. Except as specifically amended in subsection A, above, all other provisions of section 1.28.010 remain unchanged and in full force and effect.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTION 1.28.010 OF
THE SACRAMENTO CITY CODE RELATING TO
ADMINISTRATIVE PENALTIES**

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

SECTION 1.

A. Subsection D.4.g.v of section 1.28.010 of the Sacramento City Code is amended to read as follows:

v. Special Assessments. The amount of the unpaid administrative penalty, plus interest, plus any other costs as provided in this section, may be made a special assessment against the real property on which the violation occurred. The procedure established by the city council to specially assess ~~delinquent utility billings~~ costs of abating public nuisances set forth in Article VIII of Chapter 8.04 shall be used to specially assess unpaid administrative penalties.

B. Except as specifically amended in subsection A, above, all other provisions of section 1.28.010 remain unchanged and in full force and effect.