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**CITY OF SACRAMENTO
CALIFORNIA**

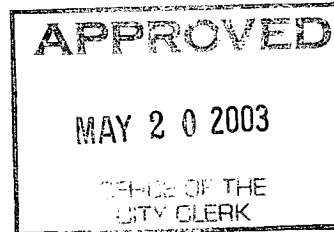
NEIGHBORHOOD SERVICES
DEPARTMENT

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

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

May 1, 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: May 20, 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:

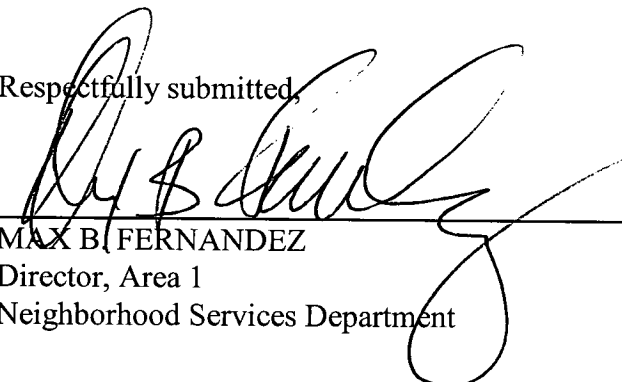
Conducting the lien hearing is in accordance with Sacramento City Code Title 8. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner for the stated violation. Each owner was afforded the additional opportunity to protest the imposition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

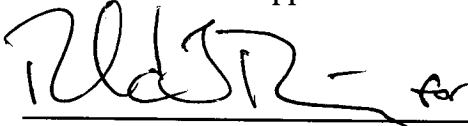
Not applicable.

Respectfully submitted,



MAX B. FERNANDEZ
Director, Area 1
Neighborhood Services Department

Recommendation approved:

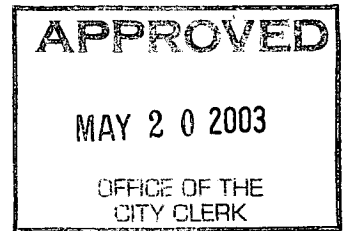


ROBERT P. THOMAS
City Manager

Attachments

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



RESOLUTION NO. 2003 - 300

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: _____

A

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

1. The reasonable penalties in the aggregate amount of \$28,471.14 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: _____

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Code Enforcement Case Fees & Penalties -- Attachment

May 20, 2003

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	009-0052-028-0000	C020021844	3rd St	Western Title Insurance Co.	180.00	NS030177	4	0206
2	009-0343-032-0000	C020030055	2753 San Luis Ct	William & Frances M. Ong	475.00	NS030178	4	0206
3	014-0172-028-0000	C020001604	3930 Broadway	Beverly Konesky Trust	1,758.64	NS030186	5	0206
4	014-0247-003-0000	C020026426	4220 11th Av	Maria Guadalupe Sanchez	615.00	NS030197	5	0206
5	015-0192-018-0000	C020024730	3548 53rd St	Daisie M. Ardds	175.00	NS030176	5	0206
6	018-0024-040-0000	C010022375	3991 Attawa Av	Jesus R/Deanna M. Garcia	175.00	NS030158	5	0206
7	018-0241-017-0000	C020029118	2381 Knight Wy	Victor S & Manuel & Jose & Rafa Aguilera	715.00	NS030163	5	0206
8	019-0211-016-0000	V020029820	2791 Fruitridge Rd	Duarte Neves	1,248.50	NSV030006	5	0206
9	117-0220-009-0000	C010006293	8672 W Stockton Blvd	Cynthia Johnston	715.00	NS030191	8	0206
10	117-0220-022-0000	C010006295	8163 Sheldon Road #F	Cynthia Johnston	715.00	NS030190	3	0206
11	117-0220-023-0000	C010006294	8163 Sheldon Road #A	Cynthia Johnston	715.00	NS030189	3	0206
12	117-0220-023-0000	C010006294	8163 Sheldon Road #A	Cynthia Johnston	690.00	NS030194	3	0206
13	117-0370-035-0000	C020025403	5405 Great Smokey	Peter Elias Boulos	715.00	NS030174	7	0206
14	117-0410-049-0000	C020025270	6387 Ehrhardt Av	Timothy Mickelson	715.00	NS030173	7	0206
15	117-0440-045-0000	C020023355	1 Nunes Ct	Chor C & Yu K Lam	715.00	NS030164	7	0206
16	117-0692-018-0000	C020026826	4841 Tomasini Wy	Trust B of Bready Family Trust	715.00	NS030175	7	0206

FOR CITY CLERK USE ONLY

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DATE ADOPTED: _____

Code Enforcement Case Fees & Penalties -- Attachment

May 20, 2003

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
17	117-0890-079-0000	C020023723	6016 Hamburg Way	Henry Denker	175.00	NS030157	8	0206
18	118-0172-006-0000	C020008527	9 Ardsley Cr	Mercedes R. Sanchez	175.00	NS030193	8	0206
19	118-0280-057-0000	C020003701	73 Audia Cr	Emilio & Roberto Torres	3,465.00	NS030185	8	0206
20	119-0330-005-0000	C020019691	3755 Andros Way	David M. Mitchell	715.00	NS030199	7	0206
21	237-0321-011-0000	C020004213	1301 Rene Av	Andreas Strans Trust	1,215.00	NS030187	2	0206
22	238-0102-021-0000	C010025816	109 Clark Ct	Daniel Vilici	715.00	NS030170	2	0206
23	238-0202-005-0000	C020026559	2316 Mogan Av	Jeff R and Daniel R Newrider	732.00	NS030182	2	0206
24	250-0140-020-0000	C020017335	581 Hayes Av	Hazel Ora Young	615.00	NS030180	2	0206
25	250-0342-010-0000	C990001113	274 Morey Av	First Samoan Congregational Christian Church of Sacramento	3,122.00	NS030200	2	0206
26	251-0202-009-0000	C020030357	1127 Congress Av	Famous Enterprises, Inc.	175.00	NS030195	2	0206
27	265-0021-028-0000	C020015092	1030 Opal Ln	Bishwanauth Jadubans	1,715.00	NS030183	2	0206
28	265-0192-006-0000	C020015781	2983 La Rosa Rd	Joni M. Stanfield & Murray K. Eyford	715.00	NS030192	3	0206
29	265-0254-001-0000	C020003471	1001 Olivera Wy	Hilda R. & Wayne R. Dye	3,185.00	NS030126	2	0206
30	277-0121-033-0000	C020027050	2324 Albatross Wy	Maclovio & Alvaro & Imelda Enriquez	715.00	NS030162	3	0206

TOTAL TO BE LIENED:

\$28,471.14

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

X