



City of Sacramento City Council

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 2/8/2011

Report Type: Public Hearing

Title: Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens

Report ID: 2011-00080

Location: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution placing liens on the properties (Exhibit A of the Resolution) 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, Code Enforcement Manager, CDD Neighborhood Code Compliance Division (916) 808-8577, Community Development Department.

Presenter: Dennis Kubo, Code Enforcement Manager, CDD Neighborhood Code Compliance Division (916) 808-8577

Department: Community Development Dept

Division: Neighborhood Code Compliance

Dept ID: 21001313

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Resolution
- 4-Exhibit A

City Attorney Review

Approved as to Form
Michael Fry
1/26/2011 9:36:05 AM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope
Russell Fehr
1/24/2011 3:29:24 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 1/25/2011 3:57:32 PM

Assistant City Manager: Patti Bisharat - 1/25/2011 5:10:58 PM

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: California Environmental Quality Act (CEQA): The proposed resolution will not have any adverse environmental impact.

Sustainability Considerations: There are no applicable sustainability considerations.

Commission/Committee Action: Not applicable.

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

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. 2011-

Adopted by the Sacramento City Council

February 8, 2011

ACCEPTING NEIGHBORHOOD CODE COMPLIANCE CASE FEES AND PENALTIES – FINDINGS OF FACT FOR SPECIAL ASSESSMENT LIENS

BACKGROUND

- A. The Community Development Department's Neighborhood Code Compliance Division, 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 Neighborhood Code Compliance Division established by competent evidence before the Hearing Examiner that the unpaid fees and penalties had been imposed in accordance with City Code.
- D. The Neighborhood Code Compliance Division 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 \$96,783 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 November 10 and December 8, 2010. This amount may be reduced by staff for any purpose that serves to facilitate abatement of nuisance conditions upon properties within the City of Sacramento.
- 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

EXHIBIT A

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	003-0086-016-0000	10-015666	330 24TH ST	YEE WINGIT D	\$917.03	CEDCNU02978	3	0206
2	007-0031-001-0000	10-017823	815 24TH ST	MARQUEZ ANNIE M	\$919.69	CEDCNU03038	3	0206
3	007-0095-021-0000	10-013154	2301 K ST	LEUNG WINNIE/REBECCA SY	\$917.03	CEDCNU02939	3	0206
4	007-0121-015-0000	10-016357	3009 K ST	DEZHAM HOSSAIN M	\$900.00	CEDCNU03041	3	0206
5	010-0323-021-0000	10-015703	2535 36TH ST	GUZMAN JOSE LUIS SR	\$264.50	CEDCNU02951	5	0206
6	012-0093-024-0000	10-011597	2857 SAN LUIS CT	JAMES R WELLS REVOCABLE TRUST	\$1098.95	CEDCNU02960	4	0206
7	013-0051-007-0000	10-014431	2754 2ND AV	GARNICA ANTONIO HERNANDEZ	\$900.00	CEDCNU02979	5	0206
8	013-0351-003-0000	10-005688	3716 7TH AV	TILLMAN PATRICK (Est Of)	\$900.00	CEDCNU02930	5	0206
9	014-0141-039-0000	10-013443	2947 39TH ST	FEDERAL NATIONAL MORTGAGE ASSOCIATION	\$298.95	CEDCNU03035	5	0206
10	014-0181-001-0000	09-010437	3940 BROADWAY	EDDIE L. HILL AND PATRICIA D. HILL	\$1,029.34	CEDCNU02975	5	0206
11	014-0211-010-0000	10-019296	3427 40TH ST	GSAMP TRUST C/O RESOLVE COLLECTION	\$298.95	CEDCNU03031	5	0206
12	020-0011-005-0000	10-008485	3708 30TH ST	BANK OF NY	\$1,108.80	CEDCNU02947	5	0206
13	020-0031-014-0000	10-017805	3851 36TH ST	KIFLOM SOLOMON FISSAHA	\$1,229.65	CEDCNU03034	5	0206
14	020-0204-029-0000	10-008566	3231 21ST AV	PINEDA RAMONA	\$1,872.81	CEDCNU02971	5	0206
15	021-0291-065-0000	10-010842	40 ZORBA CT	FEDERAL NATIONAL MORTGAGE ASSOCIATION C/O RECONTRUST COMPANY	\$900.00	CEDCNU02983	5	0206
16	021-0334-014-0000	10-009936	4601 69TH ST	DEV SAC 1 LLC	\$917.03	CEDCNU02984	6	0206
17	021-0335-029-0000	10-013090	34 MALONE CT	FRANK J/BARBARA L LOMASCOLA REV TRUST	\$900.00	CEDCNU02934	6	0206
18	022-0023-019-0000	10-014548	3815 23RD AV	ADAMS LOUIS W/LOLA	\$900.00	CEDCNU03017	5	0206
19	022-0092-012-0000	10-012825	3515 26TH AV	ORTEGA ANACLETO	\$1,766.94	CEDCNU03029	5	0206
20	022-0094-013-0000	10-008699	3826 25TH AV	WELLS FARGO BANK, N.A. AS TRUSTEE OF THE HARBORVIEW 2006-12 TRUST FUND C/O RECONTRUST COMPANY	\$2,734.26	CEDCNU02974	5	0206

21	023-0082-010-0000	10-014474	4950 CONCORD RD	STEWART BILLY D/PHYLLIS L	\$315.98	CEDCNU02890	6	0206
22	023-0082-010-0000	10-014474	4950 CONCORD RD	STEWART BILLY D/PHYLLIS L	\$1,321.38	CEDCNU02967	6	0206
23	023-0233-004-0000	10-015170	5312 60TH ST	RODARTE SHANE J	\$586.65	CEDCNU02957	6	0206
24	023-0252-013-0000	10-013787	5401 64TH ST	YAKOVCHUK RUSLAN/ALEKSANDR	\$900.00	CEDCNU02962	6	0206
25	023-0264-015-0000	10-011266	5551 71ST ST	SISSON RUDOLPH	\$315.98	CEDCNU02891	6	0206
26	023-0264-015-0000	10-011266	5551 71ST ST	SISSON RUDOLPH	\$414.83	CEDCNU02968	6	0206
27	027-0011-001-0000	10-015265	5440 FRUITRIDGE RD	TRUONG OANH KIM	\$1,954.00	CEDCNU02958	6	0206
28	027-0181-012-0000	10-009949	5885 STOCKTON BL	LUU SAI A/CHRISTINA TRIEU	\$900.00	CEDCNU02936	6	0206
29	041-0025-016-0000	10-009841	6811 CARNATION AV	FEDERAL NATIONAL MORTGAGE ASSOCIATION C/O RECONTRUST COMPANY	\$900.00	CEDCNU02961	5	0206
30	043-0253-033-0000	10-012749	7960 TIERRA WOOD WY	BAC HOME LOANS SERVICING LP	\$298.95	CEDCNU03022	6	0206
31	047-0154-017-0000	10-012747	2336 66TH AV	TOKI LEAMELINO E	\$900.00	CEDCNU03016	8	0206
32	048-0024-010-0000	10-017792	1444 MOON AV	SAUNDERS ALFRED K	\$405.58	CEDCNU03037	8	0206
33	048-0214-005-0000	10-016051	7472 BALFOUR WY	HUANG JIN YI	\$2,437.72	CEDCNU03032	8	0206
34	049-0412-033-0000	10-014139	7338 PATERO CR	YANG DOUA/SHENG MOUA	\$681.05	CEDCNU03020	8	0206
35	049-0420-063-0000	10-005077	4010 SHINING STAR	IPHIGENIA MCGRUE	\$1,169.03	CEDCNU02993	8	0206
36	049-0460-003-0000	10-014002	7523 MANDY DR	SMITH DANIEL	\$917.03	CEDCNU02942	8	0206
37	049-0480-070-0000	10-010073	5 MAFIC CT	LARIOS MERLE	\$2,223.85	CEDCNU02999	8	0206
38	049-0510-034-0000	10-009687	142 QUASAR CR	SHEPHERD MONIQUE	\$1,768.52	CEDCNU03026	8	0206
39	052-0124-003-0000	10-015597	7665 18TH ST	BAILEY CHRIS	\$681.05	CEDCNU03019	8	0206
40	053-0092-002-0000	10-011112	3409 GATES WY	JOHNSON NANNIE MAE	\$1,773.55	CEDCNU03024	7	0206
41	053-0101-003-0000	10-009220	7774 SHRADER CR	BARRIOS SUCELY/ELI	\$1,282.84	CEDCNU03003	8	0206
42	053-0112-008-0000	10-012924	7756 TEEKAY WY	MAI NELSON PHU	\$829.29	CEDCNU02989	8	0206
43	078-0032-027-0000	10-009786	16 WATERGLEN CR	READE DONNA M	\$402.92	CEDCNU02959	6	0206

44	201-0990-006-0000	10-008928	5760 LOLET WY	THIAGARAJAN SUBRAMANI	\$1,098.95	CEDCNU02997	1	0206
45	225-0325-024-0000	10-012743	1108 BRUNSWICK WY	SENUA C/CYNTHIA R LEMAIRE REVOCABLE LIVING TRUST	\$1738.78	CEDCNU03025	1	0206
46	225-0335-002-0000	10-010528	3145 PARODY WY	NORDMEYER ELENITA PEREA	\$1,427.44	CEDCNU03044	1	0206
47	225-0340-004-0000	10-010432	1210 FAIRWEATHER DR	WALTERS JERRY F	\$350.00	CEDCNU02943	1	0206
48	225-0835-014-0000	10-010856	1193 SADDLEHORN WY	DUMERTZ JODY	\$1,115.98	CEDCNU02970	1	0206
49	226-0270-004-0000	10-013421	4841 DRY CREEK RD	ROSAS SAMUEL GOMEZ	\$499.87	CEDCNU02950	2	0206
50	250-0026-025-0000	10-013965	60 MORRISON AV	BELGARDE EDNA (Est Of)	\$7,330.74	CEDCNU03006	2	0206
51	250-0420-075-0000	10-010564	876 RANCHO ROBLE WY	QUINTANILLA JOSE	\$1,128.49	CEDCNU03018	1	0206
52	251-0211-001-0000	08-013132	1191 LOS ROBLES BLVD	BERT F. CHURCH	\$14,088.23	CEDCNU02944	2	0206
53	251-0211-001-0000	08-013132	1191 LOS ROBLES BLVD	BERT F. CHURCH	\$2,400.00	CEDCEA00447	2	0206
54	251-0282-002-0000	10-019344	3329 CYPRESS ST	DAWARI RICK/JACQUES	\$778.99	CEDCNU03047	2	0206
55	251-0282-014-0000	10-011417	3330 RIO LINDA BL	BANK OF NEW YORK MELLON/TR c/o RECONTRUST COMPANY	\$298.84	CEDCNU03021	2	0206
56	252-0063-002-0000	10-007348	3841 KERN ST	HERNANDEZ JESUS	\$2,856.66	CEDCNU02972	2	0206
57	252-0330-029-0000	10-011444	3244 DEL PASO BL	BYRD JOHN/ELIZABETH	\$594.81	CEDCNU02986	3	0206
58	262-0163-009-0000	10-014318	630 NORWICH CT	BEAVER JAMES SR/MARYLYN	\$1,836.83	CEDCNU03043	1	0206
59	263-0104-034-0000	10-007998	621 LAS PALMAS AV	TORRES JAVIER R	\$917.03	CEDCNU02977	2	0206
60	263-0331-015-0000	10-009573	45 SCOLES CT	RODRIGUEZ JOSE L	\$1,254.83	CEDCNU03030	2	0206
61	265-0030-024-0000	10-009494	1279 SONOMA AV	DUFFIN V R/D E/GERALD/AVENA M R	\$385.89	CEDCNU03033	2	0206
62	265-0151-024-0000	10-015297	1638 ELDRIDGE AV	LUU FAMILY LIVING TRUST	\$402.92	CEDCNU02988	3	0206
63	265-0162-029-0000	10-015580	2816 RIO LINDA BL	BROWN ERIK/LISA	\$900.00	CEDCNU03045	2	0206
64	265-0371-004-0000	10-000225	1708 KENWOOD ST	FREITAS DANIEL/JUDITH	\$6,290.13	CEDCNU02973	3	0206
65	266-0251-010-0000	10-016725	2841 CONNIE DR	JEFF HALSEY	\$385.89	CEDCNU02966	3	0206

EXHIBIT A

66	274-0142-007-0000	08-014986	320 CLEVELAND AV	REED SUSAN E	\$1,048.03	CEDCNU02945	1	0206
67	274-0142-007-0000	08-014986	320 CLEVELAND AV	REED SUSAN E	\$1,500.00	CEDCEA00448	1	0206
68	275-0104-023-0000	10-008259	2398 CAMBRIDGE	FEDERAL NATL MTG ASSOCIATION	\$1,098.95	CEDCNU02991	2	0206
69	277-0213-018-0000	10-014514	2020 MIDDLEBERRY RD	DELATORRE SOL/ELVIRA ROMOVIVAR	\$900.00	CEDCNU02964	3	0206
				Total:	\$96,782.41			