



1.9

NEIGHBORHOODS, PLANNING  
AND DEVELOPMENT SERVICES  
DEPARTMENT

CODE ENFORCEMENT DIVISION

**CITY OF SACRAMENTO**  
CALIFORNIA

1231 I STREET, SUITE 301  
SACRAMENTO, CA 95814  
916-264-5948  
FAX-264-7722

**APPROVED**  
BY THE CITY COUNCIL

July 30, 1998

**AUG 11 1998**

OFFICE OF THE  
CITY CLERK

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: CODE ENFORCEMENT FEES AND PENALTIES - FINDINGS OF FACT FOR  
SPECIAL ASSESSMENT LIEN**

**LOCATION AND COUNCIL DISTRICT: 3927 Y Street, Council District 5**

**RECOMMENDATION:**

It is recommended that City Council adopt the attached resolution placing a lien on the property for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the property.

**CONTACT PERSON: Josh Pino, Interim Chief of Code Enforcement, 264-8733**

**FOR COUNCIL MEETING OF: August 11, 1998**

**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 61 of the Sacramento City Code.

**BACKGROUND:**

Prior to the assessment of fees and penalties, the property owner was issued the appropriate legal notices, as set forth in Title 61, and was afforded an opportunity to appear before the Neighborhoods, Planning and Development Department 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 61.05 and 50.09 allows the City Council to order the penalty be made both as a personal obligation and a special assessment against the property.

The property owner listed on the attachment has received all required notices under Title 61, and has been afforded both an opportunity to appear for an administrative hearing and a special assessment hearing. He has received a final decision notice. Furthermore, the subject owner also appeared at the City Council meeting of July 28, 1998. The owner appealed the fees incurred as a result of storing personal property removed from the premises during the abatement procedures. The City Attorney's Office has reviewed the case file and found the following:

- The City Attorney's office obtained a warrant to abate the material stored on the property in 1995. At the time the warrant was served, the City Attorney's office and Neighborhoods, Planning and Development Services Department determined that some of the material had value and should not be destroyed as is commonly done in abatement situations. The Cantil family had loaded trailers full on property from the premises. The City directed the abatement contractor to store the material and the Cantil family was advised where the property was stored. The family was directed to pick up the property, but not return it to the Y Street property as storage of it was illegal. The owners knew where the property was stored and it was stored solely to preserve the property. The material had to be stored in a secure location to prevent theft.

We submit this resolution to the City Council for declaration of a special assessment.

**FINANCIAL CONSIDERATION:**

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. Financial impact of these liens have been included in the approved budget.

**ENVIRONMENTAL CONSIDERATIONS:**

Per Section 15061(b)(3) of the CEQA guidelines, a Notice of Exemption will be filed. The proposed resolution will not have any adverse environmental impact.

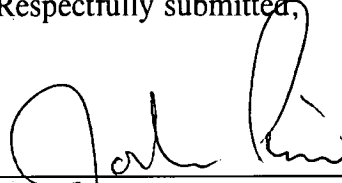
**POLICY CONSIDERATIONS:**

Conducting the lien hearing is in accordance with Sacramento City Code Titles 61 and 50. The property owner listed in the attachment was afforded an opportunity to appear before an impartial hearing examiner or hearing board for the stated violation. The owner was afforded the additional opportunity to protest the imposition of the fees and penalties at a special assessment hearing.

**MBE/WBE EFFORTS:**

There is no requirement for purchase of goods or services associated with this item.

Respectfully submitted,

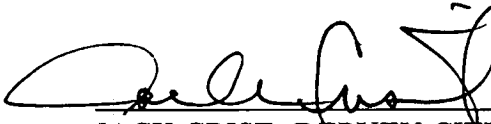


Josh Pino, Interim  
Chief of Code Enforcement

Recommendation Approved:



WILLIAM H. EDGAR  
CITY MANAGER



JACK CRIST, DEPUTY CITY MANAGER  
NEIGHBORHOODS, PLANNING AND  
DEVELOPMENT SERVICES DEPARTMENT

Attachment

APPROVED  
BY THE CITY COUNCIL

AUG 11 1998

OFFICE OF THE  
CITY CLERK

**RESOLUTION NO. 98-406**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_  
**A RESOLUTION ACCEPTING THE FINDINGS OF FACT  
OVERRULING PROTESTS AND PLACING A LIEN ON THE PROPERTY  
FOR UNPAID ASSESSMENTS AS SHOWN ON ATTACHMENT**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO that:**

WHEREAS, heretofore the Neighborhoods, Planning and Development Services Department, Code Enforcement Division, in accordance with Sacramento City Code, Chapters 50.09 and 61.05 did provide a hearing before the appointed third-party Hearing Examiner to consider all protests for unpaid fees and penalties, if any; and

**RESOLUTION NO.**

WHEREAS, notice of the time and place of hearing was given in accordance with Sacramento City Code, Chapters 50.09 and 61.05; and

WHEREAS, the Neighborhoods, Planning and Development Services Department, Code Enforcement Division, established by competent evidence before the Hearing Examiner that in each case the unpaid fees and penalties had been imposed in accordance with City Code; and

WHEREAS, the Neighborhoods, Planning and Development Services Department, Code Enforcement Division, established by competent evidence before the Hearing Examiner that in each case the unpaid fees and penalties are due; and

WHEREAS, THE City Council has found the unpaid fees and penalties to be a reasonable cost.

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**RESOLUTION NO.**

1. That, the reasonable penalties in the aggregate amount of \$13,168.54 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution. (See Exhibit A)
2. That, as provided in Section 39577 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.

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

11-11-11

3. That, 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. That, such lien also constitutes a personal obligation against the owner of the property.
5. That, the City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Attachment

\_\_\_\_\_  
FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

DELINQUENT CODE ENFORCEMENT FEES

EXHIBIT A

<u>PARCEL NUMBER</u>	<u>NAME</u>	<u>AMOUNT DUE</u>	<u>PROPERTY ADDRESS</u>	<u>COUNCIL DISTRICT</u>
014-0053-024-0000	Clarence & Mary Cantil	\$13,168.54	3927 Y St.	5