



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

PUBLIC HEARING
August 18, 2009

**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 \$88,639.00 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:  for M. Fernandez

Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:

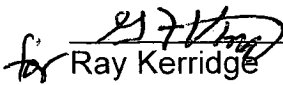

Ray Kerridge
City Manager

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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. 2009-

Adopted by the Sacramento City Council

August 18, 2009

**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 \$88,639.00 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 May 27, 2009 and June 24, 2009. 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	010-0291-015-0000	08-008859	2747 2ND AV	ROSTEN ANDY/MARY DIGNAN-ROS	\$831	CEDCNU01680	5	0206
2	010-0314-015-0000	08-100281	3413 1ST AV	ALCHEMY AT 34TH LLC	\$831	CEDCNU01727	5	0206
3	010-0384-019-0000	08-088885	3617 3RD AV	HERRERA DOLORES (Est Of) C/O JOHN TOWNER	\$99.25	CEDCNU01756	5	0206
4	013-0351-009-0000	07-049751	3764 7TH AV	RAWAT KIRAN	\$831	CEDCNU00776	5	0206
5	013-0393-019-0000	08-090761	3617 34TH ST	34TH ST TRUST C/O CINDY WEIDNER	\$845.25	CEDCNU01750	5	0206
6	014-0072-037-0000	07-055596	2533 39TH ST	PICKENS SHIRLEY ROSE	\$931	CEDCNU01768	5	0206
7	014-0222-044-0000	08-005377	4517 10TH AV	HSBC BANK	\$2541.70	CEDCNU01738	5	0206
8	014-0231-006-0000	08-015699	3524 40TH ST	HERNANDEZ IRENE/PAULINE VALENCIA/ESTHER LOPEZ ARROYO/ESTHER MENDOZA/ANDREW MENDOZA/DANNY MENDOZA/GEORGE MENDOZA/DEBBIE PERMAN/ROBERT ORTIZ	\$1112.65	CEDCNU01707	5	0206
9	014-0244-015-0000	08-013014	4124 11TH AV	MCCARTEY THOMAS E	\$945.25	CEDCNU01766	5	0206
10	015-0113-053-0000	08-011756	3333 STOCKTON BL	SHARMA FAMILY TRUST c/o SHARMA SUBASH C/DAYA W	\$831	CEDCNU01678	5	0206
11	016-0065-024-0000	09-002335	4250 EUCLID AV	BRAININ JOHN	\$831	CEDCNU01776	4	0206
12	016-0273-012-0000	08-011140	5241 DEL RIO RD	KAMBAS DINO	\$1706.91	CEDCNU01708	4	0206
13	019-0211-017-0000	08-006033	2771 FRUITRIDGE RD	ALI AJAZ	\$945.25	CEDCNU01684	5	0206
14	019-0211-017-0000	08-006033	2771 FRUITRIDGE RD	ALI AJAZ	\$1000	CEDCEA00229	5	0206
15	020-0021-021-0000	08-090253	3809 33RD ST	DEEN TERRIE ADELE	\$746	CEDCNU01751	5	0206
16	020-0023-015-0000	08-007757	3812 36TH ST	RACHEL BALANGITAN	\$210	CEDCNU01689	5	0206
17	020-0043-022-0000	08-012852	4025 32ND ST	LEWIS BERNICE F (Est Of)	\$5013.25	CEDCNU01334	4	0206
18	020-0051-008-0000	08-090564	3949 33RD ST	DOSTY WYATT C/CAROLYN J	\$845.25	CEDCNU01760	5	0206
19	020-0052-007-0000	09-003000	4009 34TH ST	U S BANK	\$739.36	CEDCNU01769	5	0206

Code Enforcement Case Fees and Penalties – Liens

August 18, 2009

20	020-0061-009-0000	08-090420	4020 38TH ST	KERN MARIANNE	\$931	CEDCNU01733	5	0206
21	020-0122-067-0000	08-002823	4217 35TH ST	DDW LIVING TRUST	\$831	CEDCNU01759	5	0206
22	020-0131-042-0000	08-006983	3740 17TH AV	ANTONIO K TAKAPU JR	\$1195.70	CEDCNU01770	5	0206
23	020-0131-055-0000	08-007030	3645 18TH AV	MARCROFT DONALD W	\$2615.25	CEDCNU01777	5	0206
24	020-0216-011-0000	08-012424	3833 21ST AV	RAMIREZ JESUS MENDOZA	\$1107.25	CEDCNU01565	5	0206
25	020-0216-012-0000	08-012423	3825 21ST AV	RAMIREZ JESUS MENDOZA	\$1104.55	CEDCNU01564	5	0206
26	021-0273-019-0000	08-097775	4421 78TH ST	HOUSING GROUP FUND LLC	\$85	CEDCNU01745	6	0206
27	021-0351-008-0000	08-016459	4530 77TH ST	ZAMORA LIBRADO	\$500	CEDCNU01677	6	0206
28	022-0031-007-0000	08-012422	4881 MARTIN L KING BL	ZEUX IAN/SAENGZUN S	\$931	CEDCNU01748	5	0206
29	022-0031-007-0000	08-012422	4881 MARTIN L KING BL	ZEUX IAN/SAENGZUN S	\$69	CEDCEA00239	5	0206
30	022-0092-012-0000	08-004275	3515 26TH AV	ORTEGA ANACLETO	\$931	CEDCNU01752	5	0206
31	022-0093-040-0000	08-007031	3610 24TH AV	PERRY DARLETTE	\$945.25	CEDCNU01563	5	0206
32	022-0093-040-0000	08-007031	3610 24TH AV	PERRY DARLETTE	\$500	CEDCEA00207	5	0206
33	022-0300-027-0000	07-051146	3930 26TH AV	ODBERT JOHN P III	\$831	CEDCNU01728	5	0206
34	027-0012-004-0000	09-000003	5524 FRUITRIDGE RD	DAVIS TONI R	\$85	CEDCNU01718	6	0206
35	027-0071-033-0000	08-097055	5651 WILKINSON ST	MARDEL INVESTMENTS LLC	\$3041.27	CEDCNU01709	6	0206
36	031-0172-018-0000	09-000703	7337 STANWOOD WY	FARIA ANGELA M/EVAN A SATHER	\$831	CEDCNU01732	4	0206
37	031-0370-037-0000	08-016893	6850 CLAIBORNE WY	FEDERAL NATL MTG ASSOCIATION	\$2161.30	CEDCNU01703	7	0206
38	035-0024-020-0000	08-097548	1437 38TH AV	LARA ANGEL	\$99.25	CEDCNU01570	4	0206
39	040-0134-010-0000	08-093651	7618 51ST AV	NGUYEN RANDY T	\$931	CEDCNU01704	6	0206
40	049-0186-008-0000	09-001288	7512 29TH ST	KORBIN LLC	\$472.25	CEDCGR00031	8	0206
41	049-0187-009-0000	08-006521	7437 FLORES WY	GOVINDA KELU/MOKIMAN	\$1170.60	CEDCNU001743	8	0206
42	049-0187-009-0000	08-006521	7437 FLORES WY	GOVINDA KELU/MOKIMAN	\$500	CEDCEA00237	8	0206
43	050-0461-020-0000	08-010685	7530 TITIAN PK	FRANCO LUZ H	\$2645.25	CEDCNU01737	8	0206

Code Enforcement Case Fees and Penalties – Liens

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44	052-0270-064-0000	08-016656	1986 LEFORD WY	FONG FRANK SAU CHAK/JENNY	\$500	CEDCNU01219	8	0206
45	053-0116-007-0000	08-100670	7750 25TH ST	WARREN LUCILLE/ROOSEVELT	\$831	CEDCNU01701	8	0206
46	117-0023-004-0000	08-100772	6274 CUSHING WY	PENDERGAST LIMITED FAMILY PARTNERSHIP INCORPORATED	\$831	CEDCNU01700	7	0206
47	117-0440-070-0000	08-096350	8060 HALKEEP WY	GRIFFIN DAVID DALE	\$85	CEDCNU01676	7	0206
48	117-0647-039-0000	08-090441	8168 PORT ROYALE WY	LANCASTER JANICE A/BRANNEN BURNS	\$472.25	CEDCGR00017	7	0206
49	119-0297-010-0000	08-093320	4100 DEER CROSS WY	DUDLEY DENISE/MICHAELA M HIGGINS C/O MICHAELA HIGGINS	\$831	CEDCNU01681	7	0206
50	119-0420-061-0000	08-092735	4200 MCNAMARA WY	GILSVIK DONALD A	\$831	CEDCNU01573	7	0206
51	215-0280-026-0000	07-046977	1521 MAIN AV	CHUMBER JOGINDER	\$4999.99	CEDCEA00248	2	0206
52	215-0280-041-0000	07-054505	1309 MAIN AV	JENSEN ENTRPRS INCORPORATED	\$931	CEDCNU01288	2	0206
53	215-0280-041-0000	07-054505	1309 MAIN AV	JENSEN ENTRPRS INCORPORATED	\$2499.99	CEDCEA00166	2	0206
54	225-0622-007-0000	08-094024	1921 BANNON CREEK DR	MARVEL LOUISE/HISAHO H KOYASA	\$1577.70	CEDCNU01561	1	0206
55	225-0821-008-0000	08-095959	3587 CATTLE DR	JONES WYATT/LINDA	\$99.25	CEDCNU01562	1	0206
56	225-0835-014-0000	08-011151	1193 SADDLEHORN WY	DUMERTZ JODY	\$1071	CEDCNU00952	1	0206
57	225-2460-001-0000	08-012736	1155 BRIDGEPOINT WAY	PARKBRIDGE LLC	\$685	CEDCGR00028	1	0206
58	225-2460-003-0000	08-100915	3800 FONG RANCH RD	PARKEBRIDGE LLC	\$805	CEDCGR00029	1	0206
59	237-0052-007-0000	08-014810	4741 DRY CREEK RD	GONZALEZ GLORIA	\$831	CEDCNU01312	2	0206
60	237-0570-042-0000	08-091290	972 DONDRA WY	GONZALEZ MARTHA	\$831	CEDCNU01448	2	0206
61	238-0073-006-0000	08-009223	217 NIMITZ ST	SHULTZ ROBERT C	\$1095.25	CEDCNU01771	2	0206
62	238-0073-006-0000	08-009223	217 NIMITZ ST	SHULTZ ROBERT C	\$1500	CEDCEA00241	2	0206
63	238-0073-006-0000	08-009223	217 NIMITZ ST	SHULTZ ROBERT C	\$2500	CEDCEA00242	2	0206
64	250-0292-003-0000	08-100901	194 BUTTERWORTH AV	KUMAR HARI/LALITA	\$831	CEDCNU01730	2	0206
65	251-0159-004-0000	09-001788	804 ALMORA AV	CRAMER WILLIAM/CATHLEEN	\$99.25	CEDCNU01757	2	0206
66	251-0171-002-0000	08-012987	1216 SOUTH AVE	ROBERT & DOREEN FISHER	\$114.25	CEDCNU01485	2	0206
67	251-0171-002-0000	08-012987	1216 SOUTH AVE	ROBERT & DOREEN FISHER	\$2000	CEDCEA00186	2	0206

Code Enforcement Case Fees and Penalties – Liens

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68	251-0191-017-0000	08-088109	3401 RIO LINDA BL	CHEN ELTON YI/CHAU GOON CHU	\$1857.25	CEDCNU01706	2	0206
69	252-0092-041-0000	07-029748	2233 GRAND AV	SMITH-SHAW CONNIE	\$931	CEDCNU01007	2	0206
70	252-0092-041-0000	07-029748	2233 GRAND AV	SMITH-SHAW CONNIE	\$1000	CEDCEA00127	2	0206
71	252-0242-007-0000	09-001250	2146 SOUTH AV	MARSHALL DANNIEL/MAKIKO	\$831	CEDCNU01763	3	0206
72	252-0261-021-0000	08-092880	1672 ROSALIND ST	SPELLMAN JEFFERY	\$1109.95	CEDCNU01585	3	0206
73	252-0292-038-0000	09-001203	2105 HUDSON WY	DELEON ARELENE	\$85	CEDCNU01725	3	0206
74	263-0010-023-0000	08-008537	312 FAIRBANKS AV	LT-1 INVESTMENTS	\$945.25	CEDCNU01584	2	0206
75	263-0021-020-0000	09-000450	401 ARCADE BL	BUTLER IDA	\$472.25	CEDCGR00030	2	0206
76	263-0163-023-0000	08-094010	2651 FAIRFIELD ST	ECHEVARRIA ROBERT M/ISABEL C	\$845.25	CEDCNU01559	2	0206
77	265-0151-024-0000	08-006116	1638 ELDRIDGE AV	LUU FAMILY LIVING TRUST	\$931	CEDCNU01582	3	0206
78	265-0371-004-0000	08-096848	1708 KENWOOD ST	FREITAS DANIEL/JUDITH	\$845.25	CEDCNU01567	3	0206
79	266-0120-012-0000	08-100540	2140 MARCUS CT	ANDERSON CHLOE/JAMES SMETHURST	\$831	CEDCNU01731	3	0206
80	266-0312-002-0000	08-016533	1708 GLENROSE AV	TRUJILLO FAMILY TRUST ATTN: ROBERT TRUJILLO	\$945.25	CEDCNU01774	3	0206
81	266-0312-002-0000	08-016533	1708 GLENROSE AV	TRUJILLO FAMILY TRUST ATTN: ROBERT TRUJILLO	\$500	CEDCEA00243	3	0206
82	266-0312-003-0000	08-016807	1710 GLENROSE AV	TRUJILLO FAMILY TRUST ATTN: ROBERT TRUJILLO	\$945.25	CEDCNU01775	1	0206
83	266-0312-003-0000	08-016807	1710 GLENROSE AV	TRUJILLO FAMILY TRUST ATTN: ROBERT TRUJILLO	\$500	CEDCEA00244	1	0206
84	274-0082-009-0000	08-091962	2301 THELMA AV	MYRTIE MARIE ROBINETT REVOCABLE TRUST	\$831	CEDCNU01754	1	0206
85	275-0122-009-0000	08-008805	1319 DEL PASO BL	VEGA-MONTOYA SUZANNE M/MONTOYA RICHARD J	\$1031	CEDCNU01710	2	0206
				TOTAL:	\$88,638.67			