



REPORT TO COUNCIL

City of Sacramento

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

PUBLIC HEARING
August 17, 2010

Honorable Mayor and
Members of the City Council

Title: Neighborhood Code Compliance 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 \$21,629 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, 808-8577

Presenters: Dennis Kubo, Code Enforcement Manager

Department: Community Development

Division: Neighborhood Code Compliance

Organization No: 21001313

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.

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

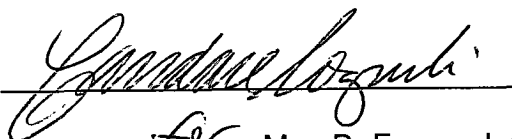
Sustainability Considerations: There are no applicable sustainability considerations.

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

Respectfully Submitted by: 
for Max B. Fernandez
Director, Community Development Department

Recommendation Approved:


Gus Vina
Interim 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. 2010-

Adopted by the Sacramento City Council

August 17, 2010

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

BACKGROUND

- A. The Community Development 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 Community Development 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 Community Development 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 \$21,629 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 26 and June 23, 2010. 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

List of Properties a lien will be placed upon

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	010-0365-006-0000	09-052161	3132 2ND AV	US BANK	\$900.00	CEDCNU02694	5	0206
2	014-0184-005-0000	09-050287	3030 SANTA CRUZ WY	BULLER LARRY	\$944.10	CEDCNU02700	5	0206
3	019-0201-035-0000	09-046545	5501 24TH ST	QI LUO/LUONG VAN	\$400.00	CEDCNU02693	5	0206
4	023-0213-010-0000	09-052302	5600 27TH AV	DIAZ PHYLLIS	\$900.00	CEDCNU02688	5	0206
5	035-0372-009-0000	09-049939	6631 HOGAN DR	CARR JAMES LEE	\$944.10	CEDCNU0201	5	0206
6	117-0750-033-0000	08-016550	8064 KINGSDALE WY	BEN HENG/ HSN I HSU	\$746.00	CEDCNU01478	7	0206
7	225-0353-001-0000	10-002671	1204 ATHENA AV	JIMENEZ MARIA J/MIGUEL A RAMIREZ	\$1,651.97	CEDCNU02702	1	0206
8	225-0714-016-0000	09-051948	1261 SENIDA WY	ESPITA LAURA/JOSE	\$500.00	CEDCNU02686	1	0206
9	252-0111-029-0000	10-000050	0 GRAND AV	ISMAIL ABUKHDAIR	\$900.00	CEDCNU02697	2	0206
10	252-0301-065-0000	09-048980	1638 LOS ROBLES BL	JENKINS TIMOTHY/HORACE/BETTIE	\$944.10	CEDCNU02690	3	0206
11	293-0080-007-0000	10-002442	2259 UNIVERSITY AV	JUAN C BATTISTONI 2006 REVOCABLE TRUST	\$1,422.77	CEDCNU02687	3	0206
12	014-0181-001-0000	09-010437	3940 BROADWAY	EDDIE L. HILL AND PATRICIA D. HILL	\$6,029.34	CEDCEA00405	5	0206
13	019-0131-023-0000	09-045433	0 ATLAS AV	GIN YEE SHEE	\$1,848.29	CEDCNU02611	5	0206
14	025-0062-004-0000	09-047808	5612 23RD ST	ROSEMARY J HANSEN FAMILY TRUST	\$929.31	CEDCNU02602	4	0206
15	038-0045-004-0000	09-003745	6029 69TH ST	ESPINO MARIA	\$860.31	CEDCNU01971	6	0206
16	117-1370-058-0000	09-035396	8497 TAMBOR WY	ETRATA MARILOU G	\$929.31	CEDCNU02603	8	0206
17	251-0123-005-0000	09-032585	3724 MARYSVILLE BL	GOEMAN PAUL SR/R F WOOD LIVING TRUST	\$779.31	CEDCNU02640	2	0206
				TOTAL:	\$21,628.91			