



**NEIGHBORHOOD SERVICES  
DEPARTMENT**

Code Enforcement Section

**CITY OF SACRAMENTO  
CALIFORNIA**

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May 9, 2005

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

**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: Ron O'Connor, Code Enforcement Manager,  
Neighborhood Services Department, 808-8183**

**FOR COUNCIL MEETING OF:** June 14, 2005

**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 has 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:**

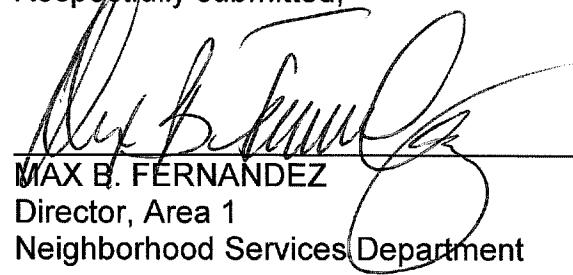
Conducting the lien hearing is in accordance with Sacramento City Code Title 8. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner for the stated violation. Each owner was afforded the additional opportunity to protest the imposition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



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MAX B. FERNANDEZ  
Director, Area 1  
Neighborhood Services Department

Recommendation approved:



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ROBERT P. THOMAS  
City Manager

Attachment

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# RESOLUTION NO.

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.

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FOR CITY CLERK USE ONLY

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

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

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

1. The reasonable penalties in the aggregate amount not to exceed \$7,610.77, for unpaid fees and penalties is the sum set forth on the exhibit incorporated into this resolution. This amount may be reduced as staff determines necessary.
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.

\_\_\_\_\_  
MAYOR

ATTEST:

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

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

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

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

Code Enforcement Case Fees & Penalties  
June 14, 2005

EXHIBIT A

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	014-0073-001-0000	C040028693	2607 37th St	Wendy D & Henry Teichert	\$485.00	NS050138	5	0201
2	025-0113-014-0000	C040026365	5733 Rickey Dr	Michael F. Lee	\$310.00	NS050152	4	0206
3	027-0162-025-0000	C040011755	5805 79th St	Maria Sanchez-Ampie	\$929.43	NS050150	6	0206
4	027-0251-001-0000	C040019387	7704 35th Ave	Simon & Juana Curiel	\$895.49	NS050087	6	0206
5	027-0262-009-0000	C040023789	8008 36th St	Maria J. Davalos	\$875.00	NS050151	6	0206
6	035-0054-004-0000	C040023413	5942 Freepport Bl	Don Chu & Emily Yee Ling	\$285.00	NS050149	4	0206
7	035-0183-011-0000	V040028176	2331 Mangrum Av	Jacklyn Means	\$205.49	NS050104	5	0206
8	048-0260-015-0000	C040012126	17 Del Luna Ct	Yvonne Smith	\$205.49	NS050112	8	0206
9	052-0084-005-0000	C040031023	7664 Sweetbrier Wy	Javier & Juana Magana	\$875.00	NS050153	8	0206
10	117-0370-061-0000	V040034541	5370 Great Smokey	Ronald P & Roslva Bush	\$875.00	NS050148	7	0206
11	118-0203-004-0000	C040035208	7731 Canova Wy	Jose A. Gutierrez	\$632.50	NS050154	8	0206
12	226-0102-001-0000	C020018143	5240 Rio Linda Bl	Shehadeh Family Real Prop Holding Trust	\$1,037.37	NS050156	2	0206

**TOTAL TO BE LIENED:**

\$7,610.77

**FOR CITY CLERK USE ONLY**

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

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