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**CITY OF SACRAMENTO
CALIFORNIA**

NEIGHBORHOOD SERVICES
DEPARTMENT

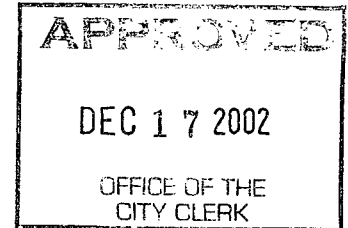
1231 I STREET, SUITE 301
SACRAMENTO, CA
95814-2997

Code Enforcement
916-264-5948
FAX: 264-7722

November 21, 2002

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

STAFF 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: Robert L. Rose, Chief of Code Enforcement, Neighborhood Services Department, 264-5947

FOR COUNCIL MEETING OF: December 17, 2002

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 have 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.

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E/SBD ISSUES:

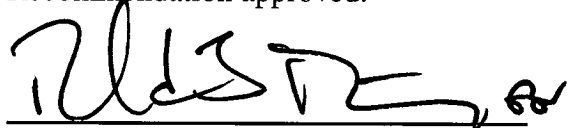
Not applicable.

Respectfully submitted,



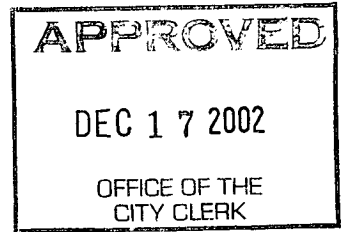
MAX B. FERNANDEZ
Director, Area 1
Neighborhood Services Department

Recommendation approved:



ROBERT P. THOMAS
City Manager

Attachment



RESOLUTION NO. 2002-844

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.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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

1. The reasonable penalties in the aggregate amount of \$26,801.64 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution.
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.

ATTEST:

MAYOR

CITY CLERK

Attachment

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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| Line # | Parcel Number | Case Number | Property Address | Property Owner | Amount Due | Invoice Number | Council District | County ID |
|--------|-------------------|-------------|----------------------------|-------------------------------|------------|----------------|------------------|-----------|
| 1 | 010-0141-041-0000 | C020004562 | 3421 Truckee Wy | Rose L. Yeramian | 715.00 | NS020234 | 5 | 0206 |
| 2 | 013-0153-013-0000 | C020007001 | 3684 Bret Harte Ct | Geoffrey G. Call | 715.00 | NS020238 | 5 | 0206 |
| 3 | 013-0292-020-0000 | C010030723 | 3560 6th Av | Estate of Frances M. Strivers | 3,775.00 | NS020235 | 5 | 0206 |
| 4 | 014-0131-026-0000 | C010003399 | 3725 Broadway | Deshon McDaniels | 1,715.00 | NS020239 | 5 | 0206 |
| 5 | 014-0213-020-0000 | C020003579 | 3329 San Jose Wy | Chandra Naresh | 1,900.00 | NS020230 | 5 | 0206 |
| 6 | 014-0285-002-0000 | C010028277 | 4508 13th Av | Conrexx, Inc. | 175.00 | NS020237 | 5 | 0206 |
| 7 | 020-0033-043-0000 | C010017588 | 3700 Martin Luther King Bl | Plaid Suits Worldwide, Inc. | 3,511.64 | NS020188 | 5 | 0206 |
| 8 | 020-0204-017-0000 | V020005595 | 2470 Knoll St | Curtis B Chandler | 175.00 | NS020215 | 5 | 0206 |
| 9 | 025-0082-010-0000 | C010028663 | 5680 28th St | Mary E. Luna | 715.00 | NS020219 | 5 | 0206 |
| 10 | 035-0161-008-0000 | C010017041 | 2261 Arliss Wy | Seethal & Kamala Jadubans | 715.00 | NS020236 | 8 | 0206 |
| 11 | 035-0173-027-0000 | C010031183 | 2031 Mangrum Av | Shari Dal Porto | 715.00 | NS020216 | 8 | 0206 |
| 12 | 035-0271-014-0000 | C020006826 | 2132 56th Av | Anthony & Elaine Francis | 175.00 | NS020227 | 8 | 0206 |
| 13 | 041-0036-003-0000 | C020006079 | 2600 Hing Av | Olivia & Roberto Valdivia | 715.00 | NS020240 | 5 | 0206 |
| 14 | 048-0154-009-0000 | C010028516 | 7477 21st St | Jayse M Willis | 3,040.00 | NS020218 | 8 | 0206 |
| 15 | 053-0122-015-0000 | C010021415 | 7724 Teekay Wy | Daniel L & Amanda Sandoval | 715.00 | NS020228 | 8 | 0206 |
| 16 | 226-0140-029-0000 | C020003233 | 1101 Pinedale Av | Pierre & Vicki A Miller | 715.00 | NS020207 | 2 | 0206 |
| 17 | 226-0360-002-0000 | C020007034 | 5043 Shady Leaf Wy | Wesley Ebanez | 175.00 | NS020208 | 2 | 0206 |

FOR CITY CLERK USE ONLY

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| Line # | Parcel Number | Case Number | Property Address | Property Owner | Amount Due | Invoice Number | Council District | County ID |
|--------|-------------------|-------------|-------------------|-------------------------------|------------|----------------|------------------|-----------|
| 18 | 238-0102-062-0000 | C020009686 | 207 Hills Ct | Emad Abdallah | 765.00 | NS020232 | 2 | 0206 |
| 19 | 238-0202-005-0000 | C010020624 | 2316 Mogan Av | Jeff R & Daniel R Newrider | 175.00 | NS020198 | 2 | 0206 |
| 20 | 250-0071-013-0000 | C020005740 | 645 Morrison Av | Robert J & Keri L Valdez | 715.00 | NS020211 | 2 | 0206 |
| 21 | 251-0042-004-0000 | C010003551 | 3943 Fig St | James J. Wilkins | 765.00 | NS020189 | 2 | 0206 |
| 22 | 251-0159-004-0000 | C020009087 | 804 Almora Av | William I & Cathleen M Cramer | 175.00 | NS020222 | 2 | 0206 |
| 23 | 251-0171-006-0000 | C010004281 | 1226 South Av | Als Investments Llc | 715.00 | NS020196 | 2 | 0206 |
| 24 | 251-0193-005-0000 | C000025734 | 945 Carmelita Av | Lisa K. Baldwin | 690.00 | NS020061 | 2 | 0206 |
| 25 | 263-0172-008-0000 | C020011727 | 2621 Beaumont St | Gerald R & Esther A Spicer | 75.00 | NS020231 | 2 | 0206 |
| 26 | 265-0030-014-0000 | C020001605 | 3141 Callecita Av | Fedor & Lyubov Gergi | 1,715.00 | NS020212 | 2 | 0206 |
| 27 | 265-0171-018-0000 | C010015594 | 2863 Belsen St | Kelly L & Barbara S Owens | 150.00 | NS020205 | 2 | 0206 |
| 28 | 265-0173-012-0000 | C020009125 | 2810 Perktel St | William J. Terwilliger III | 175.00 | NS020225 | 2 | 0206 |
| 29 | 265-0261-028-0000 | C010010045 | 1058 Glenrose Av | Michael Essery | 150.00 | NS020201 | 2 | 0206 |
| 30 | 277-0043-030-0000 | V020005595 | 2470 Knoll St | Guillermo B Sanchez | 175.00 | NS020213 | 2 | 0206 |

TOTAL TO BE LIENED:**\$26,801.64****FOR CITY CLERK USE ONLY**

RESOLUTION NO.: _____

DATE ADOPTED: _____

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