

**CITY OF SACRAMENTO
CALIFORNIA**

NEIGHBORHOOD SERVICES
DEPARTMENT

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

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

February 6, 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: February 26, 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.

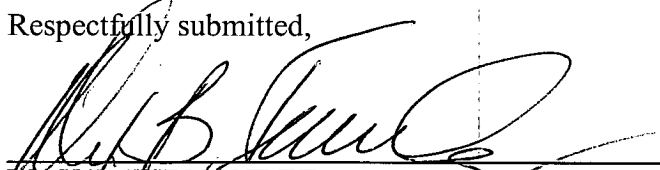
POLICY CONSIDERATIONS:

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 hearing.

E/SBD ISSUES:

Not applicable.

Respectfully submitted,

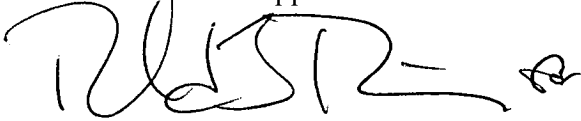


MAX B. FERNANDEZ

Director, Area 1

Neighborhood Services Department.

Recommendation approved:



ROBERT P. THOMAS

City Manager



RICHARD RAMIREZ

Deputy City Manager

Attachment

AF
FEB 26 1994
OFFICE OF THE
CITY CLERK

RESOLUTION NO. 2002-106

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

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

WHEREAS, heretofore 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, the Neighborhood Services Department, Code Enforcement Division, established by competent evidence before the Hearing Examiner that the unpaid fees and penalties are due; and

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

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

4

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

1. That, the reasonable penalties in the aggregate amount of \$10,667.00 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution.
2. That, 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. 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

CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

5

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	007-0015-012-0000	Z010005598	2017 I St	Richard W & Judith L O'Brien	150.00	NS010248	3	0206
2	022-0025-020-0000	C000023196	3815 24th Av	Freddy Salinas	1,980.00	NS010255	5	0206
3	025-0083-018-0000	C010009940	2811 32nd Av	Caroline Eccel, Chiara & Jeremy Moore	150.00	NS010249	5	0206
4	047-0255-002-0000	C010003574	1916 Niantic Wy	Mike P. Harris	150.00	NS010227	4	0206
5	049-0292-008-0003	C010007019	8 El Limon Ct #3	8 El Limon #3 Trust	690.00	NS010233	8	0206
6	049-0293-013-0001	C000023980	7493 El Mango Wy #1	River City Investors	690.00	NS010253	8	0206
7	049-0293-016-0003	C000023978	7481 El Mango Wy	J & J Investments	690.00	NS010250	8	0206
8	049-0301-026-0001	C000024014	82 Caselli Cr #1	Asgraf A Akgyubdt	690.00	NS010239	8	0206
9	049-0304-017-0004	C000024520	7504 Franklin Bl	Lawrence C Ludwig	150.00	NS010263	8	0206
10	049-0540-038-0000	V010003669	7629 Mandy Dr	Hugo A L Meza	690.00	NS010235	8	0206
11	052-0122-057-0000	C010011614	1615 Neihart Av	Patsy B.S. Becker	169.00	NS010259	8	0206
12	052-0132-001-0000	C000027119	1501 71st Av	Mary Bennett	690.00	NS010240	8	0206
13	118-0143-012-0000	C010006633	7700 Allott Wy	Santiago & Arami Reyes & Aura M. Blanco	690.00	NS010234	8	0206
14	226-0034-003-0000	C000012392	5111 Kenmar Rd	Andrey Jidkov & Tatyana Shpakovskiy	540.00	NS010258	1	0206

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
15	226-0122-004-0000	C/V9907860	9999 Irving Dr	William C. Jenkins	150.00	NS010245	2	0206
16	250-0094-016-0000	C000020247	643 Morey Av	Joan Novak & Jacqueline Stewart	690.00	NS010237	2	0206
17	251-0034-010-0000	C010001261	3919 Huron St	George W & Kathy A Romonsky	150.00	NS010244	2	0206
18	251-0034-012-0000	C000027513	3909 Huron St	James Harris	690.00	NS010236	2	0206
19	263-0076-023-0000	C/V9904673	251 Lindley Drive	H&S Properties LLC	690.00	NS60504	2	0206
20	263-0183-002-0000	C010004986	2575 Norwood Av	Leonard W. Jones	178.00	NS010256	2	0206

TOTAL TO BE LIENED:**\$10,667.00****FOR CITY CLERK USE ONLY****RESOLUTION NO.:** _____**DATE ADOPTED:** _____