



City Council Report

915 I Street, 1st Floor

Sacramento, CA 95814

www.cityofsacramento.org

File ID: 2019-00480

July 23, 2019

Public Hearing Item 45

Title: Delinquent Charges - Special Assessments for Weed Abatement on Private Property and Related Costs (Noticed 03/12/2019 & 05/16/2019)

Location: Citywide

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution confirming the costs of weed abatement services and ordering a special assessment against the properties listed in Exhibit A for such costs.

Contact: Laterre Walsh, Program Manager, (916) 808-7800, Department of Finance

Presenter: Laterre Walsh, Program Manager, (916) 808-7800, Department of Finance

Attachments:

- 1-Description/Analysis
- 2-Special Assessment Summary
- 3-Resolution
- 4-Exhibit A

Description/Analysis

Issue Detail: Section 8.28.030 of the Sacramento City Code (SCC) states that costs for weed and rubbish abatement in front of or on each separate parcel where the work was done shall be submitted to the City Council (Council) for confirmation in an itemized written report showing such cost (Attachment 1). This public hearing is being held so that the Council may confirm the costs of abatement for the properties identified on Exhibit A. Upon confirmation, the Council may order that such costs be made a personal obligation of the owner or imposing a lien or special assessment against the property. (SCC sections 8.04.430 and 8.28.040.) Staff recommends Council order that such costs be imposed as a special assessment against the listed parcels because this process of collecting has proven to be efficient and expeditious as they are collected through the Sacramento County Auditor/Controller's collection of taxes. In contrast, the placement of liens employs a more cumbersome and delayed process.

Additionally, the SCC requires that the City include in its order an administrative charge to cover incidental expenses, costs incurred in the preparation of notices, specifications and contracts, inspecting the work, as well as the costs of printing and mailing of notices (SCC section 8.28.030). Staff recommends that Council confirm the abatement costs and impose a special assessment against the parcels identified (Exhibit A) to recover costs. This is the final step the City takes before placing a special assessment against the property with the Sacramento County Auditor/Controller.

Policy Considerations: Property owners have received notice and the opportunity to protest these charges, including a hearing with a delinquency lien hearing officer. No such protests were received; therefore, no hearings were held.

The SCC requires the Council to conduct a public hearing at which it shall confirm, reject or modify the delinquency lien hearing officer's report, thus providing property owners with an opportunity to address the Council. Should any property owner object to the special assessment, the public hearing shall be limited to the issue of whether the hearing before the delinquency lien hearing officer was conducted in accordance with applicable City ordinances. The Council is not required to hear the objections of any property owner who did not previously appear before the delinquency lien hearing officer. (SCC section 8.04.430.)

Economic Impacts: None.

Environmental Considerations: This report concerns administrative activities and governmental fiscal activities that do not constitute a “project” as defined by the CEQA Guidelines Sections 15378(b)(2) and 15378(b)(4) and are not subject to the provisions of CEQA (CEQA Guidelines Section 15060(c)(3)).

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: These special assessments are for services the City has already provided to the property owners. The property owners were given ample opportunity to abate the weeds themselves but did not do so. Consequently, the City has paid for these services and must recover the costs incurred.

Financial Considerations: City staff time was required for noticing property owners and handling customer disputes and is included in the total amount due by property owners. The unpaid costs incurred by the City for weed abatement services provided are \$47,012.94 (Attachment 1). The City did not receive any written objections or protests from the listed property owners. As a result, the City did not hold any weed abatement hearings for this matter.

Local Business Enterprise (LBE): Not applicable.

FY2018/2019 Weed Abatement Special Assessments**Attachment 1**

Notices Mailed	59
Total Amount Due (All Notices)	\$ 73,541.65
Protests Received	0
Accounts to Lien	29
Total Amount Due to Liens	\$ 47,012.94

RESOLUTION NO. 2019-

Adopted by the Sacramento City Council

DECLARING THE DELINQUENT COSTS FOR WEED ABATEMENT WORK AS SPECIAL ASSESSMENTS ON THE PROPERTIES UPON WHICH THE WORK WAS PERFORMED

BACKGROUND

- A. In accordance with Sacramento City Code, Title 8, the owners of the real properties described in Exhibit A (“property owner(s)”) have been noticed and informed of the opportunity to protest the placing of unpaid weed abatement costs upon the described real properties as special assessments.
- B. The City provided notice and an opportunity for an administrative appeal, including a hearing before a delinquency hearing officer.
- C. The City did not receive any written protests or objections against the weed abatement costs from the property owners, and, as a result, the City did not hold any weed abatement hearings.
- D. The City Council has found the total cost, as described in Exhibit A, for such work to be reasonable and closed the public hearing.
- E. The City Council has been fully advised in this matter.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Background Statements A through E are true and correct.
- Section 2. The City did not receive any written protests or objections regarding the weed abatement costs and reports. (Exhibit A).
- Section 3. The reasonable cost for unpaid weed abatement performed shall not exceed \$47,012.94 as set forth in Exhibit A. Staff may reduce this amount as staff determines necessary.
- Section 4. As provided in section 39577 of the California Government Code, the costs of abatement shall constitute special assessments 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 5. The special assessments shall be attached to the described properties (Exhibit A) upon recordation of this order in the Office of the County Recorder of the County of Sacramento.

Section 6. Upon receipt of the Resolution from the City Clerk, the Enforcement and Collection Division of the Revenue Department shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

Section 7. Exhibit A is part of this resolution.

Exhibit:

Exhibit A – FY2018/2019 Weed Abatement

FY2018/2019 Weed Abatement

Exhibit A

Customer	Item ID	Name	Address	APN	Total
112222	CDDFWA09990	NELSON KEVIN SCOTT	0 VINE ST	001-0081-010-0000	\$1,881.45
112222	CDDFWA10071	NELSON KEVIN SCOTT	0 VINE ST	001-0081-010-0000	\$1,881.45
125473	CDDFWA10063	SWANSTON OAK LLC	0 SWANSTON DR	012-0151-007-0000	\$3,819.00
125473	CDDFWA10064	SWANSTON OAK LLC	0 SWANSTON DR	012-0151-022-0000	\$2,384.00
125472	CDDFWA10062	MAGGIO JASON M/VANESSA J	567 SWANSTON DR	012-0151-026-0000	\$1,434.00
125471	CDDFWA10054	SIMMONS SCOTT	4003 11TH AVE	014-0241-008-0000	\$634.00
115771	CDDFWA10093	LEMON HILL ESTATES HOMEOWNERS ASSOC	0 LEMON PARK WAY	038-0011-072-0000	\$272.90
124978	CDDFWA09991	SAKAI LYNN YASUKO	0 HENRIETTA DR	048-0081-007-0000	\$625.86
124979	CDDFWA09993	TRAN TOM	0 SHRADER CR	053-0101-008-0000	\$385.81
124979	CDDFWA10077	TRAN TOM	0 SHRADER CR	053-0101-008-0000	\$385.81
116545	CDDFWA09992	NANNIE MAE JOHNSON	0 SHRADER CR	053-0105-011-0000	\$591.00
116545	CDDFWA10092	NANNIE MAE JOHNSON	0 SHRADER CR	053-0105-011-0000	\$591.60
125467	CDDFWA10044	MICHAEL MOSER DEVELOPMENT INC	EHRHARDT AVE	117-0132-0070000	\$3,981.05
111942	CDDFWA10042	SINGH MANMOHAN	440 SANTA ANA AVE	226-0190-027-0000	\$1,283.90
125808	CDDFWA10078	GADSDEN JESSE LLC	4141 DRY CREEK RD	237-0200-056-0000	\$1,664.00
125808	CDDFWA10079	GADSDEN JESSE LLC	4135 DRY CREEK RD	237-0200-074-0000	\$904.60
125808	CDDFWA10080	GADSDEN JESSE LLC	0 JESSIE AVE	237-0200-086-0000	\$8,223.00
125475	CDDFWA10070	KEOPHIMANE NELOUT T	4104 DAYTON ST	238-0172-012-0000	\$1,896.45
112323	CDDFWA10068	CASTANEDA FELIPE/LAURA	2230 MOGAN AVE	238-0201-007-0000	\$1,000.00
112366	CDDFWA10081	VIRK CHARANHJEEV S/KAMALPREET K	12 ROSCOMMON CT	250-0440-070-0000	\$277.51
112366	CDDFWA10082	VIRK CHARANHJEEV S/KAMALPREET K	6 ROSCOMMON CT	250-0440-071-0000	\$430.89
112366	CDDFWA10083	VIRK CHARANHJEEV S/KAMALPREET K	180 SUGNET WAY	250-0440-072-0000	\$301.65
112366	CDDFWA10084	VIRK CHARANHJEEV S/KAMALPREET K	190 SUGNET WAY	250-0440-073-0000	\$291.37

119932	CDDFWA10069	LEVINSON TRENT S	930 RIVERA DR	251-0292-025-0000	\$1,029.00
122917	CDDFWA10039	BUSHNELL JENNIFER	ARCADE BL	265-0381-006-0000	\$195.23
116543	CDDFWA10045	COLETTI SCOTT (EST OF)	1815 IRIS AVE	266-0203-016-0000	\$309.34
112426	CDDFWA10047	BARRIENTOS MINERVA	521 JEFFERSON AVE	274-0171-011-0000	\$415.62
112428	CDDFWA09989	RAMIREZ R MIGUEL C/O TECOLOTE PROP	341 JEFFERSON AVE	274-0181-002-0000	\$4,961.45
112428	CDDFWA10091	RAMIREZ R MIGUEL C/O TECOLOTE PROP	341 JEFFERSON AVE	274-0181-002-0000	\$4,961.00
				TOTAL LIENS	\$47,012.94