



REPORT TO COUNCIL

City of Sacramento

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

PUBLIC HEARING
February 9, 2010

**Honorable Mayor and
Members of the City Council**

**Title: Code Enforcement 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 \$100,850.00 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: Code Enforcement

Division: Neighborhood Code Compliance

Organization No: 20001111

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. Background information is provided in Attachment 1.

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:  ^{Ken O'Conner} for Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:



Ray Kerridge
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. Hearing Examiner's findings of fact of the hearings were held on November 18 and December 9, 2009. 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

February 9, 2010

ACCEPTING CODE ENFORCEMENT CASE FEES AND PENALTIES – FINDINGS OF FACT FOR SPECIAL ASSESSMENT LIENS

BACKGROUND

- A. The Code Enforcement 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 Code Enforcement 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 Code Enforcement 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 \$100,850.00 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 November 18 and December 9, 2009. 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 – Special Assessment Liens

EXHIBIT A

List of Properties – Special Assessment Liens

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	002-0132-011-0000	09-032946	508 16TH ST	AZIZ HASINA	\$852.04	CEDCNU02330	3	0206
2	007-0252-023-0000	08-088677	1517 21ST	VESPOLI MARK/SUSAN REYNOSO/FRANK	\$846.72	CEDCNU02166	3	0206
3	009-0056-005-0000	09-035929	506 S ST	KERNER LILLIAN M	\$385.89	CEDCNU02214	4	0206
4	010-0114-007-0000	09-035513	2518 U ST	ONGARO JOSEPH C	\$900.00	CEDCNU02322	4	0206
5	011-0234-004-0000	09-031381	5524 V ST	LABA MICHAEL J	\$100.72	CEDCNU02276	6	0206
6	013-0351-009-0000	09-009356	3764 7TH AV	RAWAT KIRAN	\$24,436.92	CEDCNU02289	5	0206
7	013-0351-023-0000	09-032908	3717 9TH AV	LEWIS OLIVER JOE	\$900.00	CEDCNU02324	5	0206
8	014-0064-018-0000	08-097310	4225 Y ST	PLAZA GLORIA	\$761.75	CEDCNU01702	5	0206
9	014-0188-002-0000	09-005861	4112 7TH AV	NICHOLS HERBERT G	\$2,340.96	CEDCNU02209	5	0206
10	014-0188-003-0000	09-037643	4116 7TH AV	DEKOVIC DARKO I	\$1,620.64	CEDCNU02284	5	0206
11	015-0251-034-0000	09-032108	5054 13TH AV	CORDANO RAYMOND J	\$3,700.72	CEDCNU02195	5	0206
12	020-0023-015-0000	09-000931	3812 36TH ST	FEDERAL NATL MTG ASSOCIATION	\$1,237.93	CEDCNU02308	5	0206
13	020-0052-001-0000	06-019938	3905 34TH ST	BARKOUKI JOSHUA	\$147.90	NS070314	5	0206
14	020-0053-006-0000	09-032576	3924 35TH ST	MENDEZ HUGO/EVANGELINE	\$299.67	CEDCNU02281	5	0206
15	020-0214-030-0000	09-004165	3701 21ST AV	BOSTON LOUISE (Est Of) C/O CANDY BOSTON	\$846.72	CEDCNU02184	5	0206
16	020-0271-017-0000	08-004267	3505 22ND AV	KHOUNBOULOM EUNG	\$3238.57	CEDCNU02325	5	0206
17	020-0271-017-0000	08-004267	3505 22ND AV	KHOUNBOULOM EUNG	\$1,500.00	CEDCEA00348	5	0206
18	021-0023-030-0000	08-101364	4023 51ST ST	GARCIA MICHELLE R	\$861.72	CEDCNU02216	5	0206
19	021-0161-030-0000	09-005302	4231 63RD ST	VAN CUTSEM EVELINE	\$846.00	CEDCNU02181	6	0206
20	021-0213-031-0000	09-031387	5730 19TH AV	FEDERAL NATIONAL MORTGAGE ASSOCIATION C/O RECONTRUST COMPANY	\$385.89	CEDCNU02279	5	0206

Code Enforcement Case Fees and Penalties – Liens

February 9, 2010

21	022-0093-010-0000	08-004321	3806 24TH AV	BOYD ANTHONY/ROSA M	\$638.74	CEDCNU00658	5	0206
22	022-0093-010-0000	08-004321	3806 24TH AV	BOYD ANTHONY/ROSA M	\$1332.96	CEDCEA00081	5	0206
23	023-0091-012-0000	07-047202	4970 PRISCILLA LN	INUKIHAANGANA OSMOND/MAATA	\$556.93	CEDCNU00272	6	0206
24	023-0262-011-0000	09-031883	5520 70TH ST	CRUZ ELVA G/EBALINA C	\$283.95	CEDCNU02310	6	0206
25	025-0144-020-0000	09-010160	5657 JAMES WY	BEDLAM ROSEMARY	\$931.00	CEDCNU02323	4	0206
26	025-0144-020-0000	09-010160	5657 JAMES WY	BEDLAM ROSEMARY	\$1000	CEDCEA00347	4	0206
27	025-0172-016-0000	09-010284	3190 33RD AV	FALLS MARGO	\$386.61	CEDCNU02282	5	0206
28	025-0173-041-0000	09-009522	3141 35TH AV	ZHOU QIU SHUI	\$985.00	CEDCNU02191	5	0206
29	025-0181-026-0000	09-008123	2509 FERNANDEZ DR	PRESCOTT RACHELLE D	\$952.04	CEDCNU02303	5	0206
30	027-0211-011-0000	09-009261	5859 62ND ST	TAIT JAMIE G	\$2,175.72	CEDCNU02165	6	0206
31	027-0252-034-0000	09-032581	7824 36TH AV	JOSEPH V. SINGH / BIJAY BHAN SINGH / PERMILLA DEVI SINGH	\$946.72	CEDCNU02185	6	0206
32	031-0780-029-0000	09-033194	7461 POCKET RD	GRIGGS DARRELL E	\$386.61	CEDCNU02197	7	0206
33	035-0133-015-0000	09-010761	2317 CORK CR	MAYFIELD MICHAEL R	\$846.00	CEDCNU02304	5	0206
34	035-0366-002-0000	09-032734	6594 GOLF VIEW DR	CHAPMAN JOCELYN J/STORMY J CALLAHAN	\$401.61	CEDCNU02212	5	0206
35	036-0041-020-0000	09-033701	6205 24TH ST	WILLIOUS ROBERT	\$304.99	CEDCNU02311	5	0206
36	038-0350-021-0000	09-008129	7055 ELDER CREEK RD	PHI NGA	\$4528.74	CEDCNU02190	6	0206
37	040-0052-010-0000	09-010673	6401 75TH ST	CAO CHAU/MAI NGUYEN	\$385.89	CEDCNU02211	6	0206
38	048-0142-003-0000	09-038794	7426 19TH ST	BURMASTER DENNIS	\$494.04	CEDCGR00047	8	0206
39	048-0244-001-0000	09-008732	7487 WINKLEY WY	BEARD FREDDIE	\$470.61	CEDCNU02174	8	0206
40	049-0122-006-0000	09-035949	7544 TWILIGHT DR	ACQUICAP BANCORP LLC	\$385.89	CEDCNU02283	8	0206
41	049-0470-038-0000	09-032647	7494 MANDY DR	PULIDO GENARO JR/MARIA J	\$1,331.24	CEDCNU02307	8	0206
42	052-0035-003-0000	09-035720	2236 KENWORTHY WY	LAMBUR VIRGINIA G/JOSE	\$401.61	CEDCNU02280	8	0206
43	053-0053-022-0000	09-010650	7643 LAURIE WY	TERRELL C L/STEPHANIE A	\$1,114.67	CEDCNU02215	8	0206

Code Enforcement Case Fees and Penalties – Liens

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44	078-0090-062-0000	09-010055	2804 ALISON CT	FEDERAL NATIONAL MORTGAGE ASSOCIATION	\$1243.31	CEDCNU02204	6	0206
45	119-0380-048-0000	07-037345	4140 ARDWELL WY	HERRON LARRY N/BETTY	\$737.00	NS080071	7	0206
46	119-0380-048-0000	07-037345	4140 ARDWELL WY	HERRON LARRY N/BETTY	\$1,455.72	CEAP080011	7	0206
47	201-0550-063-0000	09-031620	115 MIKE GARTRELL CR	U S BANK NATIONAL ASSOCIATION c/o WELLS FARGO HOME M	\$298.95	CEDCNU02309	1	0206
48	215-0280-041-0000	07-054505	1309 MAIN AV	JENSEN ENTRPRS INCORPORATED	\$5,015.71	CEDCEA00328	2	0206
49	215-0280-041-0000	07-054505	1309 MAIN AV	JENSEN ENTRPRS INCORPORATED	\$4,999.99	CEDCEA00329	2	0206
50	225-0474-026-0000	09-009572	2984 BROOKSTONE WY	CRUZ MANUEL MORTEO	\$831.00	CEDCNU02188	1	0206
51	225-0700-034-0000	09-033356	1901 PEBBLEWOOD DR	WILLIAMS MILDRED	\$287.43	CEDCNU02193	1	0206
52	225-0711-016-0000	09-032914	3155 RANCHO SILVA DR	FEDERAL NATL MTG ASSOCIATION	\$385.89	CEDCNU02194	1	0206
53	225-0835-014-0000	09-009429	1193 SADDLEHORN WY	JODY DUMERTZ	\$1,104.97	CEDCNU02316	1	0206
54	225-2110-048-0000	09-009574	0 GATEWAY PW	KOBRA PROPS	\$3,575.93	CEDCNU02172	1	0206
55	237-0060-049-0000	07-036931	4720 DRY CREEK RD	4724 DRY CREEK LLC	\$952.04	CEDCNU02320	2	0206
56	237-0060-049-0000	07-036931	4720 DRY CREEK RD	4724 DRY CREEK LLC	\$1,000.00	CEDCEA00346	2	0206
57	250-0081-018-0000	09-031356	471 LINDSAY AV	SPENCER MICHELE	\$386.61	CEDCNU02173	2	0206
58	250-0082-011-0000	09-034714	580 GRAND AV	HORAN INVESTMENTS COMPANY PMB 221	\$385.89	CEDCNU02202	2	0206
59	250-0082-019-0000	09-002806	539 LINDSAY AV	EDWIN O AMUNEKE SOLE/SEPARATE PROPERTY TRUST	\$1,539.97	CEDCVE00015	2	0206
60	250-0091-023-0000	09-032512	3722 TAYLOR ST	MANIVANH SEBASTIAN S	\$861.72	CEDCNU02182	2	0206
61	250-0341-010-0000	08-007290	315 MOREY AV	NGUYEN VU	\$448.12	CEDCNU00571	2	0206
62	251-0191-017-0000	09-033909	3401 RIO LINDA BL	CHEN ELTON YI/CHAU GOON CHU	\$386.61	CEDCNU02198	2	0206
63	251-0194-013-0000	08-091103	1005 CONGRESS AV	GAULD ALEX	\$609.40	CEDCNU01308	2	0206
64	251-0241-005-0000	09-033912	824 CARMELITA AV	SAETANG SOMPHONG SAM	\$248.19	CEDCNU02200	2	0206
65	252-0023-036-0000	09-032942	3917 PRESIDIO ST	MOORE SCOTT	\$401.61	CEDCNU02208	2	0206

Code Enforcement Case Fees and Penalties – Liens

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66	252-0041-022-0000	09-034804	2336 PIERCY WY	EVANS JAMES R III/MILISA M	\$2,548.00	CEDCNU02312	2	0206
67	252-0063-002-0000	09-035696	3841 KERN ST	HERNANDEZ JESUS	\$401.61	CEDCNU02196	2	0206
68	262-0030-080-0000	09-010373	351 SUMMER GARDEN WY	GIRLIE SCRUGGS	\$391.93	CEDCNU02321	1	0206
69	263-0021-011-0000	07-039907	443 ARCADE BL	WILLIAMS CHARLOTTE	\$681.00	CEDCNU00225	1	0206
70	263-0322-001-0000	09-011443	56 FAIRBANKS AV	VANG SIA/LUE LOR	\$386.61	CEDCNU02201	2	0206
71	275-0103-026-0000	09-032054	702 DIXIEANNE AV	FANNIE MAE	\$1,000.72	CEDCNU02175	2	0206
72	277-0194-010-0000	09-005062	1721 KEITH WY	MEIER FAMILY REVOCABLE TRUST	\$831.00	CEDCNU02180	3	0206
				TOTAL:	\$100,849.26			