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NEIGHBORHOODS, PLANNING  
AND DEVELOPMENT SERVICES  
DEPARTMENT

CITY OF SACRAMENTO  
CALIFORNIA

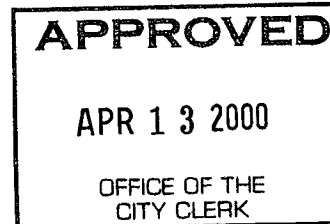
1231 I STREET, SUITE 200  
SACRAMENTO, CA 95814

DEVELOPMENT SERVICES DIVISION

HOUSING AND DANGEROUS  
BUILDINGS INSPECTIONS  
PH 916-264-5404  
FAX 916-264-6833

March 29, 2000

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 liens on the properties for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

**CONTACT PERSON:** Robert L. Rose, Chief of Code Enforcement, Neighborhoods, Planning & Development Services Department, 264-5947

**FOR COUNCIL MEETING OF:** April 13, 2000

**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 61 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 61, and was afforded an opportunity to appear before the Neighborhoods, Planning & Development Services Department 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 50.09 and 61.05 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 61, 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:**

Per Section 15061(b)(3) of the CEQA guidelines, a Notice of Exemption will be filed. The proposed resolution will not have any adverse environmental impact.

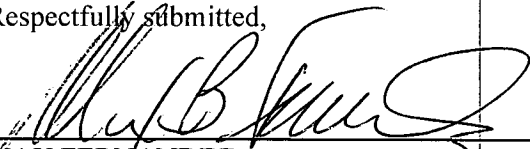
**POLICY CONSIDERATIONS:**

Conducting the lien hearing is in accordance with Sacramento City Code Titles 50 and 61. 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 CONSIDERATIONS:**


Not applicable.

Respectfully submitted,

  
\_\_\_\_\_  
MAX FERNANDEZ  
Director, Area 1  
Neighborhoods, Planning & Development Services Dept

Approved for Council Information:

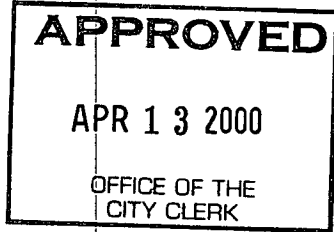
  
\_\_\_\_\_  
ROBERT P. THOMAS  
City Manager

  
\_\_\_\_\_  
for JACK CRIST  
Deputy City Manager

**RESOLUTION NO. 2000-140**

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 ENORCMENT CASE FEES AND PENALTIES**

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

WHEREAS, heretofore the Neighborhoods, Planning & Development Services Department, Code Enforcement Division, in accordance with Sacramento City Code, Chapters 50.09 and 61.05 did provide a hearing before the appointed third-party Hearing Examiner to consider all protests 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 50.09 and 61.05; and

WHEREAS, the Neighborhoods, Planning & Development Services Department, Code Enforcement Division, established by competent evidence before the Hearing Examiner that in each case the unpaid fees and penalties had been imposed in accordance with City Code; and

WHEREAS, the Neighborhoods, Planning & Development Services Department, Code Enforcement Division, established by competent evidence before the Hearing Examiner that in each case the unpaid fees and penalties are due; and

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

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

1. That, the reasonable penalties in the aggregate amount of \$9,650.00 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.

**FOR CITY CLERK USE ONLY**

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

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

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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.

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MAYOR

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CITY CLERK

Attachment

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_  
DATE ADOPTED: \_\_\_\_\_

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Parcel Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
250-0111-007-0000	624 Morey Av	Michael J. Phillips	690.00	NS48140	2	0206
252-0281-037-0000	3416 Del Paso Bl	Jeffrey S. Furniss	690.00	NS48122	2	0206
275-0073-006-0000	2201 Dale Av	Eddy & Deborah Finley	690.00	NS52148	2	0206
275-0073-014-0000	2290 Traction Av	Robert Lyons	7,580.00	NS47920	2	0206

**TOTAL TO BE LIENED:****\$9,650.00**

NOTE: The following individual's appeals were upheld; therefore, the fees and penalties were removed:

<u>Case Number</u>	<u>Property Owner</u>	<u>Invoice Number</u>	<u>Council District</u>
C/V99010329	Stephen Joseph Hession	NS56071	7