



REPORT TO COUNCIL

City of Sacramento

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

PUBLIC HEARING
May 13, 2008

**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 **\$69,630.34** 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, Program Manager, 808-8577

Presenters: Dennis Kubo, Program Manager

Department: Code Enforcement

Organization No: 4651

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.

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: The proposed resolution will not have any adverse environmental impact.

Commission/Committee Action: None

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: 
max Fernandez
Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:

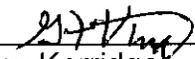
for 
Ray Kerridge
City Manager

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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. 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. 2008-

Adopted by the Sacramento City Council

May 13, 2008

ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS FOR CODE ENFORCEMENT CASE FEES AND PENALTIES

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,; and
- 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 **\$69,630.34** 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 February 28, 2008 and March 26, 2008. 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 a lien will be placed upon

Exhibit A

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	00401360150000	07-029267	4601 D ST	ANDERSON DOROTHY L	\$875.00	NS080075	3	0206
2	00702240020000	07-039628	3410 N ST	STANLEY ATHENA/GEORGIA	\$831.00	NS080120	3	0206
3	01002930090000	06-024738	2666 FRANKLIN BL	CLARENCE DUANE JOHNSON	\$1,000.00	CEDCNU00031	5	0206
4	01302510140000	07-044330	3674 5TH AV	ULRICH LANCE M	\$831.00	CEDCNU00060	5	0206
5	01302840240000	07-049190	3237 9TH AV	WELLS FARGO BANK	\$769.00	CEDCNU00034	5	0206
6	01303410020000	07-029126	3209 33RD ST	SRR TRADING LLC	\$775.00	NS080115	5	0206
7	01303420030000	07-036216	3427 33RD ST	ZAMAN KHALID	\$1,000.00	CEDCEA00004	5	0206
8	01303420030000	07-036216	3427 33RD ST	ZAMAN KHALID	\$2,871.00	CEDCNU00008	5	0206
9	01401730170000	07-039080	7TH AV	WALERY GEORGE P & ANN R	\$85.00	NS080144	5	0206
10	01401880050000	07-027509	4136 7TH AV	DEUTSCHE BANK NATIONAL TRUST COMPANY	\$775.00	NS080085	5	0206
11	01402110050000	07-038968	3362 SANTA CRUZ WY	CHING IRENE	\$831.00	CEDCNU00011	5	0206
12	01402220440000	07-038255	4517 10TH AV	HUNG D & MAI D. TRUONG	\$831.00	NS080138	5	0206
13	01402440100000	07-037955	4072 11TH AV	DEUTSCHE BANK NATIONAL TRUST COMPANY	\$831.00	CEDCNU00022	5	0206
14	01402460130000	07-039725	3533 42ND ST	RAMIREZ GERONIMO/PAULINA CONTRERAS	\$831.00	CEDCNU00005	5	0206
15	01402720290000	07-037564	3801 LISSETTA AV	DEUTSCHE BANK NATIONAL TRUST COMPANY	\$831.00	CEDCNU00021	5	0206
16	01402740100000	07-027559	4255 14TH AV	PLEGDED PROPERTY II LLC	\$5,279.00	NS080055	5	0206
17	01501740080000	07-038522	3401 66TH ST	JONES LOVING TRUST	\$831.00	CEDCNU00018	6	0206
18	01501810250000	07-035509	4941 10TH AV	ANDERSON BLAKE/ALEXANDRA/VINCENT CHAVEZ/ETAL	\$831.00	NS080079	5	0206
19	01800440010000	07-043108	4301 22ND ST	WEATHERALL MICHAEL S/SCOREY C BRANNON	\$831.00	CEDCNU00013	5	0206
20	02000720160000	07-027556	3975 39TH ST	LYSINGER KARL JAY	\$1,000.00	CEAP070111	5	0206
21	02000720160000	07-027556	3975 39TH ST	LYSINGER KARL JAY	\$775.00	NS070596	5	0206
22	02001450020000	07-027807	4211 40TH ST	DEUTSCHE BANK TRUST COMPANY AMERICAS	\$85.00	NS080100	5	0206
23	02100320050000	07-041717	5308 14TH AV	DEUTSCHE BANK NATIONAL TRUST COMPANY	\$969.00	CEDCNU00014	5	0206
24	02200140080000	07-033663	3501 24TH AV	LAC NELSON	\$831.00	NS080101	5	0206
25	02200650120000	07-042323	4961 48TH ST	JIMENEZ ALFONSO/GUADALUPE CERVANTES	\$831.00	CEDCNU00024	5	0206
26	02301460140000	07-037326	5109 62ND ST	SOREY HILMON	\$831.00	NS080041	6	0206
27	02301830080000	07-038558	7411 25TH AV	MORAN CARLOS	\$85.00	NS080106	6	0206
28	02301840090000	07-034400	7501 25TH AV	VERTREES DONALD P	\$458.00	GA080001	6	0206
29	02501130140000	06-003344	5733 RICKEY DR	MICHAEL F LEE	\$2,000.00	CEAP080015	4	0206
30	02501130140000	06-003344	5733 RICKEY DR	MICHAEL F LEE	\$1,475.00	NS080114	4	0206
31	02700310140000	07-044575	6200 FRUITRIDGE RD	GONZALEZ BETZAIDETH	\$895.00	CEDCNU00006	6	0206
32	02701130090000	07-032198	6341 34TH AV	US BANK NATIONAL ASSOCIATION	\$775.00	NS080086	6	0206

33	03502360030000	07-040236	2142 54TH AV	DEUTSCHE BANK NATIONAL TRUST COMPANY	\$831.00	CEDCNU00003	5	0206
34	03503140140000	07-029371	1951 FLORIN RD	OSBY JR HERMAN	\$875.00	NS080107	5	0206
35	03600710120000	07-037494	6305 VENTURA ST	UJAGAR JOGINDER/HARBANS KTR	\$831.00	NS080112	5	0206
36	03601060290000	07-039074	7074 DEMARET DR	PEDRO ISIDRO	\$831.00	NS080084	5	0206
37	04000520080000	06-014932	6407 75TH ST	HSBC BANK USA	\$2,000.00	CEAP080012	6	0206
38	04000520080000	06-014932	6407 75TH ST	HSBC BANK USA	\$875.00	NS080076	6	0206
39	04001430090000	07-031596	7649 52ND AV	BELL MARTIN BELL RICHARD	\$915.00	NS080063	6	0206
40	04001430090000	07-031596	7649 52ND AV	BELL MARTIN BELL RICHARD	\$2,000.00	CEAP080009	6	0206
41	04700620110000	07-042775	2256 62ND AV	SILAFU PO'OI MARGARET	\$831.00	NS080136	8	0206
42	04801040040000	C050047545	1990 MATSON DR	ABRA A JOYNER	\$1,075.00	NS080073	8	0206
43	04900210060000	07-046327	2860 FLORIN RD	SHARMA VINOD/RAJMINDER/OM KAPOOR/ANJANA	\$458.00	CEDCGR00002	8	0206
44	04903900120000	07-039355	7331 MEADOWGATE DR	WMC MTG CORPORATION	\$978.87	NS080137	8	0206
45	04903900130000	07-034209	7330 ALCEDO CR	MOODY JOSEPH/NHA B DUONG/LAM T VU	\$458.00	CEDCGR00001	8	0206
46	05201030010000	07-034257	7643 23RD ST	SHOSTAK ALEX	\$1,231.00	NS080030	8	0206
47	05301050110000	07-035233	SHRADER CR	JOHNSON NANNIE MAE	\$831.00	NS080113	7	0206
48	05301110010000	07-037939	2312 CRAIG AV	FEDERAL NATIONAL MORTGAGE ASSOCIATION	\$1,213.00	CEDCNU00015	8	0206
49	07800810490000	07-038838	2829 MARMOR CT	MCCARTY LAURENS A	\$831.00	NS080050	6	0206
50	07901310120000	07-039257	8417 FLORIDA CT	WALTER WILLIAM BARNETTE	\$931.00	NS080090	6	0206
51	07903920040000	07-033028	56 LIDO CR	JOHN D. LEWALLEN REVOCABLE TRUST	\$4,060.60	NS080148	6	0206
52	11702700090000	07-038469	8127 FRANCISCAN WY	TCIF REO GCM LLC	\$1,045.00	CEDCNU00007	7	0206
53	11703000150000	07-036558	7986 CENTER PARKWAY	PROPERTY ASSET MANAGEMENT, INC	\$1,069.00	NS080143	7	0206
54	11705330150000	07-038615	22 DEMPSTER CT	MACIAS ROBERT L	\$1,045.00	CEDCNU00010	7	0206
55	11709900460000	07-039700	4 BACK BAY CT	HSBC BANK USA	\$831.00	CEDCNU00020	8	0206
56	21502800710000	07-037260	4924 DRY CREEK RD	ROMANO FRANK R	\$831.00	CEDCNU00017	2	0206
57	22503510030000	06-015982	2796 MENDEL WY	LONG BEACH MORTGAGE LOAN TRUST	\$1,022.87	NS080093	1	0206
58	22509900160000	07-042822	2958 ERIN DR	TCIF REO GCM CALIFORNIA LLC	\$831.00	CEDCNU00019	1	0206
59	22513800770000	07-043466	271 GROTH CR	BANK OF NEW YORK	\$625.00	NS080130	1	0206
60	22601800370000	07-045167	5091 EMERALD BROOK WY	JON ATIENZA	\$831.00	NS080135	2	0206
61	22602500110000	07-039816	4899 WIND CREEK DR	ERIN PRITCHETT R	\$1,635.00	NS080045	2	0206
62	23702820350000	07-036070	4190 FRUITA CT	DEUTSCHE BANK NATIONAL TRUST COMPANY	\$831.00	CEDCNU00012	2	0206
63	25000820180000	07-037856	543 LINDSAY AV	U.S. BANK NATIONAL ASSOCIATION	\$831.00	NS080089	2	0206
64	25004200580000	07-044410	3493 RANCHO RIO WY	WELLS FARGO BANK	\$865.00	NS080132	1	0206
65	25101910160000	07-039136	3401 RIO LINDA BL	CHEN ELTON YI/CHAU GOON C	\$185.00	NS080033	2	0206
66	25200110060000	07-036757	3925 IVY ST	WM SPECIALTY MTG LLC	\$685.00	NS080131	2	0206

67	26203320630000	07-038317	1 YERBA CT	RAM VIJMA W/DAYAAVIJMA W	\$831.00	NS080082	1	0206
68	26503320020000	07-026797	1116 FRIENZA AV	BANK OF NEW YORK	\$831.00	NS080102	2	0206
				TOTAL:	\$69,630.34			

