



REPORT TO COUNCIL City of Sacramento

915 I Street, Sacramento, CA 95814-2604
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PUBLIC HEARING
June 17, 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 **\$28,862.81** 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.

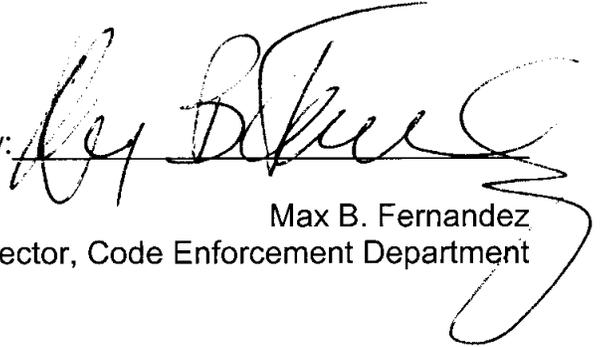
Commission/Committee Action: None

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 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. 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

June 17, 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 **\$28,862.81** 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 April 23, 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	00400330150000	07-031279	93 43RD ST	BARBARA H BUSHING REVOCABLE TRUST/ETAL	\$831.00	CEDCNU00061	3	0206
2	00600240340000	07-049905	401 J ST	SOO YUEN BENEVOLENT ASSOCIATION OF SACRA	\$831.00	CEDCNU00101	1	0206
3	00602940150000	07-031780	1725 16TH ST	JB MANAGEMENT LP	\$831.00	CEDCNU00096	3	0206
4	01303940020000	07-044318	3508 36TH ST	AVELO MORTGAGE LLC	\$969.33	CEDCNU00041	5	0206
5	01304030300000	07-027621	3535 38TH ST	GRP LOAN LLC	\$1,500.00	CEDCEA00008	5	0206
6	01304030300000	07-027621	3535 38TH ST	GRP LOAN LLC	\$1,150.00	CEDCNU00038	5	0206
7	01401730100000	07-043252	3918 7TH AV	ODOM BOB M	\$849.23	NS080122	5	0206
8	01401880180000	07-031010	4126 7TH AV	MARCROFT DONALD W	\$793.23	NS080087	5	0206
9	01401940110000	06-024792	3033 SAN DIEGO WY	STEPHANIE PARKER	\$893.22	NS080091	5	0206
10	01402120010000	07-027610	4042 8TH AV	DEUTSCHE BANK NATIONAL TRUST COMPANY C/O AMERICA'S SERVICING CO	\$875.00	CEDCNU00055	5	0206
11	02001120390000	07-035555	4313 32ND ST	RIVER CITY HOUSING SOLUTIONS LLC	\$764.23	NS080104	5	0206
12	02001310010000	07-042503	3600 16TH AV	DEUTSCHE BANK TRUST COMPANY AMERICAS	\$625.00	CEDCNU00076	5	0206
13	02002840140000	07-036010	3401 22ND AV	ONEAL CORATERESA ROUSE	\$831.00	CEDCNU00052	5	0206
14	02100420150000	06-015517	4021 57 TH ST	MICHAEL EDMONDS	\$875	NS070174	5	0206
15	02501650100000	07-040952	2861 34TH AV	INDYMAC BANK	\$931.00	CEDCNU00072	5	0206
16	02702120030000	07-039349	5850 63RD ST	HEWELL JUDITH L	\$664.80	CEDCNU00053	6	0206
17	03107100230000	07-038565	2 FALLWIND CR	TIGNER DARLENE	\$931.00	CEDCNU00098	7	0206
18	03500620130000	06-016528	1411 ATHONTON ST	NIEVES MARCO A	\$1,018.10	CEDCNU00043	4	0206
19	03503240130000	07-039460	2146 60TH AV	GAIL A. ROE	\$85.00	NS080145	5	0206
20	04702220020000	07-036369	1407 66TH AV	RICK ROUSSIN	\$931.00	NS080031	8	0206
21	23701740040000	07-037439	1516 YOUNGS AV	THORNTON SHEREE S	\$1,869.22	NS080094	2	0206
22	23801600390000	07-032148	4226 ASTORIA ST	SVITYASHCHUK IVAN	\$849.23	NS080134	2	0206
23	25000710010000	07-045684	3840 TAYLOR ST	LASALLE BANK	\$2,275.00	CEDCNU00027	2	0206
24	25201930190000	07-046315	RIPLEY	TAYLOR MARY GIRHOADES JOE PEREZPH E	\$4,843.22	NS080146	3	0206
25	26200540100000	07-049344	612 POTOMAC AV	DOMINGUEZ DONACIANO	\$831.00	CEDCNU00054	1	0206
26	26203200120000	07-041587	953 REGATTA DR	BANK OF NEW YORK	\$85.00	NS080097	1	0206
27	27702220330000	07-041380	2024 ROCKBRIDGE RD	WU SHIU-MEI	\$931.00	CEDCNU00062	3	0206
				TOTAL:	\$28,862.81			