



REPORT TO COUNCIL City of Sacramento

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

Public Hearing
July 22, 2008

Honorable Mayor and
Members of the City Council

**Title: Delinquent Charges – Special Assessment Liens for Sidewalk Repair on
Private Property and Related Costs**

Location/Council District: All

Recommendation: Conduct a public hearing and upon conclusion, adopt a
Resolution, placing special assessment liens on the listed properties for unpaid
sidewalk repairs.

Contact: Brad Wasson, Revenue Manager, 808-5844

Presenters: Brad Wasson, Revenue Manager, 808-5844

Department: Department of Finance

Division: Revenue Division

Organization No: 1121

Description/Analysis

Issue: City Code Section 12.32.290 states that the director of finance may initiate proceedings to make the cost of sidewalk repairs or reconstruction performed by the city a special assessment against the parcels of property fronting on the repaired sidewalks. This public hearing is for the City Council to confirm, reject or modify the delinquency lien reports and to confirm special assessment liens against properties with unpaid charges. This is the final step the City takes before placing liens on the property with the Sacramento County Tax Collector.

Policy Considerations: City property owners have received notice and the opportunity to protest these charges, including a hearing with a Delinquency Lien Hearing Officer (Attachment 1). State law and/or City Code require the City Council to confirm these special assessment liens after a public hearing, thus providing property owners with an opportunity to address the City Council. Should any property owner object to the special assessment, the public hearing

Delinquent Charges--Special Assessment Liens for Sidewalk Repair July 22, 2008

shall be limited to the issue of whether or not the hearing before the delinquency lien hearing officer was conducted in accordance with applicable City ordinances. The City Council does not have any legal obligation to hear the objections of any property owner who did not request a hearing and thus waived his/her right to protest.

Environmental Considerations: Pursuant to Section 15378 (b) (5) of the California Environmental Quality Act (CEQA) guidelines (administrative activities that will not result in environmental impact), this is not a project under CEQA.

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 repair sidewalk damages, but did not do so. Consequently, the City has paid for these services and needs to recover the costs incurred.

Financial Considerations: The unpaid costs incurred by the City for sidewalk repair services are as follows:

Sidewalk Repairs \$134,935.46

A Delinquency Lien Hearing Officer was paid \$50 an hour. There were 7 sidewalk repair hearings which required a total of 4.23 hours for a total cost of \$211.25.

City staff time was required for scheduling the hearings, the notices to property owners, and the final noticing for hearings held. All costs are included in the Revenue Division's operating budget and no additional funding is requested or required.

Emerging Small Business Development (ESBD): There is no requirement for purchase of goods or services associated with this item.

Respectfully Submitted by:



Brad Wasson, Revenue Manager

Delinquent Charges—Special Assessment Liens for Sidewalk Repair, July 22, 2008

Approved by: 

Lenye Milstein, Acting Director of Finance

Recommendation Approved:



Ray Ray Kerridge, City Manager

Table of Contents:

	Pg	1	Report
Attachments			
1	Pg	4	Background
2	Pg	5	Annual Lien/Special Assessment Summary
3	Pg	6	Delinquent Sidewalk Repair Costs Protests
4	Pg	7	Resolution
		9	Exhibit A – Delinquent Sidewalk Repair Costs

Background

The City has been utilizing a Delinquency Lien Hearing Officer to hear protests of special assessment liens for delinquent charges since 1996. The delinquent charges owing, and the properties to which such charges apply, are set forth in Exhibit A to the Resolution (Attachment 4) attached to the report. As required under applicable provisions of the City Code and/or State law, all property owners were notified of the unpaid and/or delinquent costs, were given an opportunity to resolve the issue with City staff, and were given an opportunity for a hearing before a Delinquency Lien Hearing Officer if they so requested. Attachment 2 is a summary listing of the number and total amount of unpaid costs, the number of protests received, and the number of hearings held before the Delinquency Lien Hearing Officer. Attachment 3 list each protest received and the final disposition of each protest. The findings of the Delinquency Lien Hearing Officer for each hearing are also included.

City of Sacramento
 FY 2007/2008 Annual Special Assessments and Lien Summary

Unpaid costs for delinquent:	No. of Lien Notices Mailed	Total Amount Due All Notices (1)	No. of Protests Received	No. of Protests to Payment Plans	No. of Protests Removed from Lien	No. of Protests Fees Reduced	No. of Hearings Held	Total Amount Due
Sidewalk Repairs	96	\$244,541.82	7	2	5	3	7	\$134,935.46

(1) Total amount of liens accounts for payments received after the lien notices were mailed April 21, 2008

Attachment 3

2007/2008 Annual Special Assessment Lien Protests & Hearings

Name	Sidewalk Repair Location	Assessor Parcel Number	Council District	Protest Disposition	Hearing Disposition	Amount
Delaney, Robert V./Vernon L.	3200 24 th Street	013-0261-006-0000	5	Fees Upheld	Fees Upheld	\$757.42
Dhillon, Harbans/Narinder	3809 Y Street	014-0053-033-0000	3	Fees Upheld	Fees Waived	\$331.23
Hartwick, Dale	1017 V Street	009-0134-018-0000	4	Fees Upheld	Fees Upheld	\$2,049.19
Schulman, Stephen A.	2230 H Street	007-0023-009-0000	3	Fees Upheld	Fees Upheld	\$7,859.78
Smith Revocable Living Trust	2221 W Street	010-0163-017-0000	4	Fees Upheld	Fees Reduced	\$4,425.99
Suderman, Craig/Germana S	1801 T Street	010-0022-021-0000	4	Fees Reduced	Fees Reduced	\$6,826.31
Tannenbaum Family Trust	431 16 th Street	002-0133-022-0000	3	Fees Upheld	Fees Upheld	\$10,416.08

RESOLUTION NO.

Adopted by the Sacramento City Council

**DETERMINING THE REASONABLE COSTS FOR SIDEWALK REPAIR WORK AND
PLACING LIENS ON THE PROPERTIES FOR THE COSTS THEREOF**

BACKGROUND

- A. In accordance with Sacramento City Code, Title 12, the owners of the real properties in Exhibit A, have been noticed and informed of the opportunity to protest the placing of unpaid costs of sidewalk repair work performed upon the described real properties as liens.
- B. Each property owner noticed has been afforded an administrative appeal process, including a hearing before a Delinquency Lien Hearing Officer.
- C. The City Council held a hearing on this day upon those findings and it was established by competent evidence that in each case the work had been performed.
- D. The City Council has found the total cost for such work to be reasonable and closed the public hearing.
- E. The City Council is fully advised in this matter.

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

- Section 1. The City Council finds and determines that the Background Statements A through E are true and correct.
- Section 2. That all of the protests have been considered and have been rejected, revised, or confirmed.
- Section 3. The reasonable cost for unpaid sidewalk repair work performed shall not exceed \$134,935.46 as set forth in Exhibit A. This amount may be reduced as staff determines necessary.

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 22, 2008

Section 4. That the City Council, in accordance with the provisions of the Sacramento City Code, is entitled to and hereby attaches a lien upon the real properties described in said Exhibit A in the amount set forth therein for each parcel of property.

Section 5. 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.

Section 6. The City Clerk shall transmit a certified copy of this Resolution to the Sacramento County Auditor/Controller.

Section 7. Exhibit A is part of this Resolution.

Table of Contents:

Exhibit A

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 22, 2008

Exhibit A

Last Name	First Name	Sidewalk Repair Location	Assessor's Parcel Number	Council District	Balance Due
Abdullah	Abdul K.	3424 3rd Av	010-0377-004-0000	5	\$1,878.85
Bahram	Badie	185 El Camino	263-0216-016-0000	2	\$1,145.54
Beale	Pamela H.	614 19th St	003-0171-023-0000	3	\$3,116.81
Bowen	Glen W	4019 54th St	021-0033-035-0000	5	\$463.92
Burnett	Michael Q	1243 Pebblewood Dr	225-0722-013-0000	1	\$439.57
Carrolla	Rachel	1811 26th St	010-0045-002-0000	4	\$1,867.29
Chapman	Jeffrey L.	3601 P St	007-0303-001-0000	3	\$3,872.69
Chu	Steven C.	5201 Martin Luther King Jr. Blvd	022-0300-020-0000	5	\$2,019.70
Cooper	Samuel E.	809 Lampasas	265-0241-025-0000	2	\$248.24
Cotton III	Alphonso C.	2704 T St	010-0127-004-0000	4	\$594.81
Cruz	Roger L.	7817 Deer Creek Dr	119-0241-042-0000	7	\$948.33
Cummings	George D.	1157 Swantston Dr	012-0113-007-0000	4	\$675.42
Danny/Mary Gomez Revocable Trust		2600 S St	010-0046-003-0000	4	\$4,318.10
Deloney	Charles D.	1101 G St	020-0157-014-0000	1	\$6,077.30
Diaz	Crystal Elaine	108 Goss Ct	238-0102-002-0000	2	\$1,579.51
Estate of Leyva Luis Elvia		1512 41st St	008-0412-003-0000	3	\$1,304.14
Felix	Francis J.	1600 26th St	007-0333-010-0000	3	\$1,810.08
Fisher	Thomas E.	1609 35th St	007-0371-016-0000	3	\$637.87
Flores	Caroline O.	6730 18th Av	021-0251-003-0000	6	\$379.87
French	Scott A.	5210 San Francisco Blvd	021-0121-002-0000	5	\$1,602.72
Gerard Wing Living Trust		1923 15th St	009-0092-021-0000	4	\$1,974.35
Gonzalez	Lilla	4139 12th Av	014-0244-023-0000	5	\$1,042.75
Henderson	Norma J. C.	4200 12th Av	014-0273-001-0000	5	\$675.56
Hunt	Gloria D.	2864 4th Av	013-0092-018-0000	5	\$2,780.09
Jue	Ying C.	2030 10th St	009-0131-030-0000	4	\$6,423.17

Delinquent Charges—Special Assessment Liens for Sidewalk Repair July 22, 2008

Ken G Murray Testamentary Trust B/etal	1901 8th St	009-0066-006-0000	4	\$10,648.65
Khanna	270 Bell Av	237-0261-007-0000	2	\$1,730.63
Kinmore Associates LLC	1419 E St	002-0180-001-0000	3	\$796.30
Kramer	3709 7th Av	013-0302-037-0000	5	\$659.80
Lowry	4033 54th St	021-0033-034-0000	5	\$221.14
Magallon	3211 32nd St	013-0283-023-0000	5	\$856.94
Mejia	93 Arcade Blvd	263-0051-007-0000	2	\$4,266.92
Millar	3231 32nd St	013-0283-021-0000	5	\$2,584.14
Neswaderani	1914 L St	007-0143-004-0000	3	\$2,571.94
O'Rourke	429 40th St	004-0192-011-0000	3	\$40.00
Ortiz	1811 W St	010-0151-020-0000	4	\$1,092.41
Ramos	536 Las Palmas	263-0132-006-0000	2	\$409.76
Ricardo L Fuentes Revocable Trust	1715 35th St	007-0371-009-0000	3	\$1,048.75
Richardson	809 21st St	007-0021-002-0000	3	\$2,043.29
Russell	1800 Sutterville Rd	017-0092-001-0000	4	\$1,124.50
SacProp	414 K St	006-0087-046-0000	1	\$40,166.58
Saechao	6020 Valley Hi Dr	117-0096-008-0000	7	\$2,216.00
Sanchez	3080 Funston Dr	225-0785-001-0000	1	\$1,869.49
Sava	2717 37th St	014-0091-034-0000	5	\$1,882.08
Simpson	1622 18th St	006-0295-013-0000	3	\$2,461.96
Sington	4849 10th Av	015-0181-033-0000	5	\$361.86
Smith	1401 33rd St	007-0223-001-0000	3	\$2,423.21
Socorro Fiorica Family Trust	5139 9th Av	015-0123-034-0000	5	\$577.10
Streeter	3371 Jola Cr	053-0053-002-0000	8	\$192.67
Thorne	827 U St	009-0122-016-0000	4	\$3,157.27
Underwood	3110 Serra Wy	010-0132-002-0000	4	\$712.99
Wordlow	2767 Freeport Blvd	012-0046-015-0000	4	\$942.40
				\$134,935.46

