



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 Weed Abatement on
Private Properties and Related Costs**

Location/Council District: All

Recommendation: Conduct a public hearing and upon conclusion, adopt a **Resolution** placing special assessment liens on properties for unpaid weed abatement services.

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: Section 8.28.040 of the City Code states that costs for weed and rubbish abatement shall be assessed against the parcel as a lien or made a personal obligation of the owner, and may be made a special assessment. Section 8.28.030 allows the City to include an administrative charge to cover incidental expenses and costs incurred in the preparation of notices, specifications and contracts, and inspecting the work, and the costs of printing and mailing of notices. 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: 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 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 abate the weeds themselves, 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 services provided are as follows:

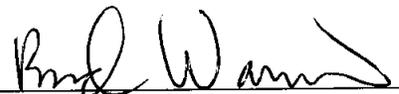
Weed Abatements \$84,733.00

A Delinquency Lien Hearing Officer was paid \$50 an hour. There was one (1) weed abatement hearing which required .33 hours for a total cost of \$16.50.

City staff time was required for scheduling the hearings, the notices to property owners, and the final noticing for hearings held. All the 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

Approved by: 
Leyne Mistein, Acting Director of Finance

Recommendation Approved:


Ray Kerridge, City Manager

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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 noticed 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 lists each protest received and the final disposition of each protest. The findings of the Delinquency Lien Hearing Officer for each hearing are also included.

Attachment 2

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
Weed Abatement	374	\$134,846.75	6	0	1	1	1	\$84,733.00

(1) Total amount of liens accounts for payments received after the lien notices were mailed May 2, 2008

Attachment 3

2007/2008 Annual Special Assessment Lien Protests & Hearings

Name	Abatement Location	Assessor Parcel Number	Council District	Protest Disposition	Hearing Disposition	Amount
Allen, Ethan	2531 36 th St	010-0323-001-0000	5	Fees Due	No Hearing	292.00
Alleghany Properties	San Juan Rd	225-0180-039-0000	1	Fees Due	No Hearing	489.80
Koraf Corp	4020 Raley Blvd	238-0101-017-0000	2	Fees Due	Fees Waived	205.00
Koraf Corp	Raley Blvd	238-0101-020-0000	2	Fees Due	Fees Waived	379.40
Tsakopoulos, Angelo K./Elai	711 F St	002-0102-015-0000	1	Fees Waived	No Hearing	370.00
Budiman, Michael	300 S St	009-0052-004-0000	4	Partial Waived	No Hearing	315.00

RESOLUTION NO.

Adopted by the Sacramento City Council

**DECLARING THE DELINQUENT COSTS FOR WEED ABATEMENT WORK FOR
2007 AS LIENS ON THE PROPERTIES UPON WHICH THE ABATEMENT WERE
PERFORMED**

BACKGROUND

- A. In accordance with Sacramento City Code, Title 8, the owners of the real properties described in Exhibit A, on file in the City Clerk's office, have been noticed and informed of the opportunity to protest the placing of unpaid weed abatement fees 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 by private contractor.
- 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. That the charges set forth in Exhibit A for the abatement of weeds to the real properties described in said Exhibit A are owing and delinquent.
- Section 4. That, as provided in Section 39577 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 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.

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Exhibit A

Exhibit A

LIEN LIST:

ON FILE AND AVAILABLE FOR PUBLIC REVIEW IN THE OFFICE OF
THE CITY CLERK, HISTORIC CITY HALL, 915 I STREET, 1ST FLOOR,
SACRAMENTO, CA