



REPORT TO COUNCIL

City of Sacramento

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

PUBLIC HEARING
October 13, 2009

**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 \$98,265.00 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

Division: Neighborhood Code Compliance

Organization No: 20001111

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.

Sustainability Considerations: There are no applicable sustainability considerations.

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

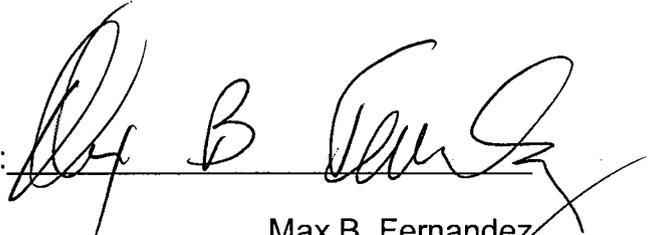
Commission/Committee Action: None

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. 2009-

Adopted by the Sacramento City Council

October 13, 2009

**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.
- 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 \$98,265.00 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 July 22, 2009 and August 26, 2009. 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

Code Enforcement Case Fees and Penalties – Liens

October 13, 2009

EXHIBIT A

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	002-0122-006-0000	09-003789	1224 E ST	FONDA BENITA/JULIA	\$103.80	CEDCNU01955	3	0206
2	002-0171-001-0000	09-001396	615 15TH ST	KHOSHCAR JOHN NOJAN	\$85.00	CEDCNU01925	3	0206
3	010-0134-010-0000	09-001595	3172 T ST	BARLOW/ASSOCIATES/ANTHONY DE BARROS/ETAL	\$103.80	CEDCNU01950	4	0206
4	010-0366-004-0000	07-026864	3130 3RD AV	WOLD LESTER C E/GRACE J	\$1,018.10	CEDCNU01901	5	0206
5	013-0351-018-0000	08-013766	3300 38TH ST	ROSEMOND WAYNE	\$3,565	CEDCNU01833	5	0206
6	013-0392-002-0000	09-002482	3330 10TH AV	BUCKLEY KEVIN T/LINDA MERRILL	\$473.51	CEDCGR00035	5	0206
7	013-0393-022-0000	08-097874	3535 34TH ST	HOLMAN PEGGY J	\$500.00	CEDCNU01802	5	0206
8	014-0185-014-0000	09-002477	3200 SAN JOSE WY	FEDERAL NATIONAL MORTGAGE ASSOCIATION	\$831.00	CEDCNU01935	5	0206
9	015-0113-015-0000	08-096089	4860 8TH AV	GUAJARDO ALFRED S	\$831.00	CEDCNU01823	5	0206
10	015-0191-047-0000	07-042410	5068 10TH AV	HOUSING GROUP FUND LLC	\$4,871.56	CEDCNU01969	5	0206
11	015-0251-031-0000	08-008677	5101 14TH AV	MANCERA SALVADOR	\$500.00	CEDCNU01908	5	0206
12	015-0251-078-0000	09-001720	5136 11TH AV	FRANK KARIN M	\$831.00	CEDCNU01798	5	0206
13	015-0252-024-0000	09-001473	3741 52ND ST	ARNDT PATRICK M/MOLLY M	\$849.80	CEDCNU01956	5	0206
14	016-0181-024-0000	06-002461	995 PIEDMONT DR	LOUIS DANIEL J/MARY O	\$185.00	CEDCNU01914	4	0206
15	016-0342-023-0000	08-014650	5081 KARBET WY	BAHATI HODARI	\$2,277.00	CEDCNU01905	4	0206
16	019-0181-032-0000	08-015527	2737 29TH AV	ZEDOLION MILTON AND BETTY MILTON	\$931.00	CEDCNU01938	5	0206
17	019-0181-032-0000	08-015527	2737 29TH AV	ZEDOLION MILTON AND BETTY MILTON	\$500.00	CEDCEA00278	5	0206
18	019-0181-033-0000	09-002467	2725 29TH AV	KHANG BY/PHUA	\$100.51	CEDCNU01907	5	0206
19	020-0061-004-0000	08-091791	3912 38TH ST	FECHNER AMANDA	\$949.80	CEDCNU01944	5	0206
20	020-0061-004-0000	08-091791	3912 38TH ST	FECHNER AMANDA	\$500.00	CEDCEA00283	5	0206
21	020-0132-034-0000	09-000278	3648 18TH AV	GARCIA JOSE L/MARIA ELENA IBARRA	\$931.00	CEDCNU01939	5	0206
22	021-0251-061-0000	08-100371	6792 BENDER CT	SMITH LOIS J	\$831.00	CEDCNU01934	6	0206

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23	021-0262-062-0000	09-004784	4345 73RD ST	BROWN DONOVAN N/KATHY A LYONS	\$849.80	CEDCNU01973	6	0206
24	021-0331-018-0000	09-002199	4641 67TH ST	RAMIREZ FELIPE JR/KATHRINE	\$849.80	CEDCNU01972	6	0206
25	021-0362-010-0000	07-047619	4550 79TH ST	RAY JOSHUA	\$1,803	CEDCNU01968	6	0206
26	022-0031-004-0000	09-003222	4840 MASCOT AV	BARKER EDWIN J C	\$103.80	CEDCNU01951	5	0206
27	022-0031-014-0000	09-003217	4900 MASCOT AV	MURILLO JOSE R	\$85.00	CEDCNU01947	5	0206
28	022-0032-025-0000	09-003220	4861 MASCOT AV	NG SANDY/JOSE FRANCO	\$500.00	CEDCNU01976	5	0206
29	022-0081-010-0000	09-000254	3302 24TH AV	MANDALI SHREE OM R	\$4,715.10	CEDCNU01978	5	0206
30	022-0081-026-0000	09-000252	3304 24TH AV	PHU THOMPSON V	\$4,384.52	CEDCNU01809	5	0206
31	022-0083-003-0000	08-004286	3480 24TH AV	L. MA DE LA LUZ MIRANDA /SALVADOR MIRANDA	\$949.80	CEDCNU01943	5	0206
32	022-0083-003-0000	08-004286	3480 24TH AV	L. MA DE LA LUZ MIRANDA /SALVADOR MIRANDA	\$1,500.00	CEDCEA00280	5	0206
33	022-0083-003-0000	08-004286	3480 24TH AV	L. MA DE LA LUZ MIRANDA /SALVADOR MIRANDA	\$2,500.00	CEDCEA00281	5	0206
34	022-0290-006-0000	09-003201	5200 MARTIN L KING BL	SAEPARN YING POU/KOY P SAELEE	\$831.00	CEDCNU01918	5	0206
35	023-0134-009-0000	09-004416	5240 CABRILLO WY	ZAVALA SUSAN	\$831.00	CEDCNU01926	6	0206
36	027-0105-012-0000	09-004258	5720 61ST ST	ANDRADE MATTHEW J	\$831.00	CEDCNU01812	6	0206
37	027-0228-004-0000	09-002769	5860 69TH ST	ARIAS CATALINA R/JUAN M MORALES	\$831.00	CEDCNU01824	6	0206
38	031-0642-016-0000	09-004400	71 CACHE RIVER CR	LONG PATRICIA	\$831.00	CEDCNU01827	7	0206
39	035-0053-010-0000	08-100988	5942 MCLAREN AV	MARSHALL DONNA	\$946.51	CEDCNU01791	4	0206
40	035-0053-010-0000	08-100988	5942 MCLAREN AV	MARSHALL DONNA	\$1,000.00	CEDCNU00255	4	0206
41	035-0173-027-0000	08-096659	2031 MANGRUM AV	DALPORTO SHARI A	\$946.51	CEDCNU01808	5	0206
42	036-0112-007-0000	08-101669	2628 50TH AV	VALERIO SYLVIA/DAVID C	\$831.00	CEDCNU01782	5	0206
43	036-0151-020-0000	08-101672	6708 27TH ST	JAGUR JASWANT KAUR/MEWA SINGH	\$831.00	CEDCNU01830	5	0206
44	038-0141-018-0000	08-088336	7720 LEMON HILL AV	HASHIGAMI SETSUKO	\$831.00	CEDCNU01957	6	0206
45	041-0022-013-0000	09-000088	2627 WAH AV	TAVISORA KRISTINA D/ERIC	\$831.00	CEDCNU01783	5	0206
46	047-0134-003-0000	08-009803	7308 BENBOW ST	BEEGHLEY EDNA L, DAVID K.	\$12,402.69	CEDCNU01962	8	0206

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47	078-0070-033-0000	08-096257	31 MOSSGLEN CR	SCOTT ERIC/CHARISSA	\$831.00	CEDCNU01936	6	0206
48	078-0430-018-0000	08-014272	8721 SAINTS WY	BANK OF NEW YORK, TRUSTEE C/O RECONTRUST COMPANY, N.A.	\$1,375.36	CEDCNU01927	6	0206
49	117-0611-005-0000	06-018122	4880 VALLEY HI DR	EMS LIMITED PARTNERSHIP	\$203.80	CEDCNU01979	7	0206
50	225-0860-017-0000	09-004263	3207 OSUNA WY	CANTON IRVING/NATALIE	\$831.00	CEDCNU01917	1	0206
51	226-0070-037-0000	08-093253	340 PINEDALE AV	PINEDALE ESTATE LLC	\$1,096.63	CEDCNU01813	2	0206
52	226-0070-037-0000	08-093253	340 PINEDALE AV	PINEDALE ESTATE LLC	\$750.00	CEDCEA00260	2	0206
53	226-0070-037-0000	08-093253	340 PINEDALE AV	PINEDALE ESTATE LLC	\$1,500.00	CEDCEA00261	2	0206
54	226-0070-059-0000	08-093225	5041 SULLY ST	PINEDALE ESTATE LLC	\$1,096.51	CEDCNU01814	2	0206
55	226-0070-059-0000	08-093225	5041 SULLY ST	PINEDALE ESTATE LLC	\$750.00	CEDCEA00262	2	0206
56	226-0070-059-0000	08-093225	5041 SULLY ST	PINEDALE ESTATE LLC	\$1,500.00	CEDCEA00263	2	0206
57	226-0162-047-0000	09-001511	5017 RIO LINDA BL	KAUK BEVERLY J/DAVID B/KARLA A	\$849.80	CEDCNU01937	2	0206
58	226-0290-056-0000	08-091664	941 ROOD AV	PICONES PABLO	\$849.80	CEDCNU01924	2	0206
59	237-0213-005-0000	08-088652	1140 O'DONNELL AV	CHAN MOHAMED N	\$103.80	CEDCNU01948	2	0206
60	237-0312-003-0000	08-013279	1415 NORTH AV	GIL CHAVEZ	\$3,854.89	CEDCNU01788	2	0206
61	237-0312-003-0000	08-013279	1415 NORTH AV	GIL CHAVEZ	\$2,000.00	CEDCEA00250	2	0206
62	238-0140-005-0000	08-016058	2232 BELL AV	SINGH MADHAVI D	\$2,634.80	CEDCNU01961	2	0206
63	250-0082-017-0000	09-003385	547 LINDSAY AV	JALAL MOHAMMED	\$849.80	CEDCNU01958	2	0206
64	250-0082-018-0000	09-003384	543 LINDSAY AV	JALAL MOHAMMED ARSHAD	\$849.80	CEDCNU01959	2	0206
65	251-0171-023-0000	08-093056	1221 NOGALES ST	PEASE RACHEL M/BILLY W	\$831.00	CEDCNU01923	2	0206
66	251-0242-008-0000	08-088110	3331 RIO LINDA BL	EDWIN O AMUNEKE SOLE & SEPARATE PROPERTY TRUST	\$846.51	CEDCNU01811	2	0206
67	252-0062-024-0000	09-004190	3840 IVY ST	GUZMAN ROBERT	\$103.80	CEDCNU01949	2	0206
68	252-0301-065-0000	09-002597	1638 LOS ROBLES BL	JENKINS TIMOTHY/HORACE/BETTIE	\$846.51	CEDCNU01915	3	0206
69	265-0153-001-0000	09-001804	1500 TESSA AV	MILLS STOKAN ROXANNE/JOSEPH E STOKAN	\$846.51	CEDCNU01804	3	0206

Code Enforcement Case Fees and Penalties – Liens

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70	265-0302-017-0000	09-004085	1025 FRIENZA AV	MAHAL SANTOKH S.	\$846.51	CEDCNU01822	2	0206
71	274-0092-028-0000	08-091966	1150 AZUSA ST	CORRY TONY	\$946.51	CEDCNU01831	1	0206
72	274-0172-052-0000	09-003164	509 COLUMBUS AV	FLORES PAVEL	\$1,114.66	CEDCNU01919	1	0206
73	275-0091-004-0000	08-009984	1812 EL MONTE AV	STOKAN JOSEPH E	\$100.51	CEDCNU01921	2	0206
74	275-0162-001-0000	08-017546	930 DEL PASO BL	110 GLOBE TRUST C/O D. MAX WERKING	\$2,224.30	CEDCNU01963	2	0206
75	275-0162-001-0000	08-017546	930 DEL PASO BL	110 GLOBE TRUST C/O D. MAX WERKING	\$1,500.00	CEDCEA00284	2	0206
76	275-0162-001-0000	08-017546	930 DEL PASO BL	110 GLOBE TRUST C/O D. MAX WERKING	\$2,500.00	CEDCEA00285	2	0206
77	277-0171-014-0000	09-001567	1729 BOWLING GREEN DR	PUGH DAVID A	\$846.51	CEDCNU01800	3	0206
				TOTAL:	\$98,264.73			