



REPORT TO COUNCIL

City of Sacramento

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

PUBLIC HEARING
December 8, 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 \$58,802.00 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, Code Enforcement Manager, 808-8577

Presenters: Dennis Kubo, Code Enforcement 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.

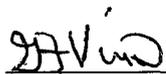
Financial Considerations: Lien accruals will be made through County tax collections. The City will also receive partial reimbursement from monies collected by the County based on the "Teeter" legislation agreement with the County. Any money generated from these liens would be included in the approved 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

December 8, 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 \$58,802.00 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 September 23, 2009 and October 28, 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

EXHIBIT A

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	002-0133-019-0000	09-009870	401 16TH ST	SAMAD ABDUL	\$831.00	CEDCNU02013	3	0206
2	002-0165-009-0000	09-008420	1426 F ST	BANK OF NEW YORK MELLON C/O RECONTRUST COMPANY	\$831.00	CEDCNU01987	3	0206
3	003-0196-011-0000	09-009463	714 27TH ST	WILMS MICHELE	\$849.45	CEDCNU02157	3	0206
4	009-0056-002-0000	08-096504	1911 5TH ST	KERNER LILLIAN M	\$2,663.00	CEDCNU01996	4	0206
5	009-0056-002-0000	08-096504	1911 5TH ST	KERNER LILLIAN M	\$1,500.00	CEDCEA00290	4	0206
6	009-0056-002-0000	08-096504	1911 5TH ST	KERNER LILLIAN M	\$2,500.00	CEDCEA00291	4	0206
7	009-0116-015-0000	08-015314	519 V St	JOHNSON CARL M	\$931.00	CEDCNU01749	4	0206
8	009-0116-015-0000	08-015314	519 V St	JOHNSON CARL M	\$2,000.00	CEDCEA00240	4	0206
9	010-0131-018-0000	09-008444	3009 U ST	U STREET LLC	\$831.00	CEDCNU02015	4	0206
10	010-0166-036-0000	09-008568	2115 W ST	OGBEBOR BENJAMIN O	\$861.85	CEDCNU01999	4	0206
11	011-0390-020-0000	09-005725	10 MIDWAY CT	ROBISON R S	\$861.85	CEDCNU02004	5	0206
12	013-0153-010-0000	09-004636	3658 BRET HARTE CT	COTTLE DAVID L/MICHAEL J CARROLL	\$849.45	CEDCNU02117	5	0206
13	013-0342-025-0000	08-091840	3444 9TH AV	SIMPSON DEBORAH RUTH	\$849.45	CEDCNU02113	5	0206
14	013-0393-019-0000	09-008127	3617 34TH ST	34TH ST TRUST C/O CINDY WEIDNER	\$849.45	CEDCNU02152	5	0206
15	014-0114-019-0000	09-011160	2835 SANTA CRUZ WY	MOON KRISTOFER S	\$949.45	CEDCNU02112	5	0206
16	014-0152-034-0000	09-000843	2927 SAN JOSE WY	BOYD ANTHONY B	\$931.00	CEDCNU02138	5	0206
17	014-0152-034-0000	09-000843	2927 SAN JOSE WY	BOYD ANTHONY B	\$1,000.00	CEDCEA00324	5	0206
18	015-0182-041-0000	09-010016	3503 STOCKTON BL	GLOBAL CAPITAL CONCEPTS INCORPORATED/ETAL	\$831.00	CEDCNU02153	5	0206
19	020-0261-008-0000	09-002639	3129 22ND AV	MARCO TULIO OSORIO-OCHOA	\$1,481.00	CEDCNU02111	5	0206
20	021-0193-024-0000	09-003654	7861 18TH AV	PARANJPE SURESH	\$1,114.75	CEDCNU02136	6	0206
21	021-0313-005-0000	09-002399	4510 62ND ST	MCCUTCHEN JACOB MARSHALL/REBECCA F	\$2,653.90	CEDCNU01995	6	0206

Code Enforcement Case Fees and Penalties – Liens

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22	023-0203-001-0000	09-004786	7850 25TH AV	KENNEY EDWARD JR/MARGARET P DUTY	\$831.00	CEDCNU01986	6	0206
23	025-0062-004-0000	09-009252	5612 23RD ST	ROSEMARY J HANSEN FAMILY TRUST	\$949.45	CEDCNU02118	4	0206
24	025-0084-005-0000	09-010283	2816 32ND AV	REYES JESUS	\$389.34	CEDCNU02147	5	0206
25	025-0166-028-0000	09-010362	2868 34TH AV	FEDERAL NATIONAL MORTGAGE ASSOCIATION C/O CITIMORTGAGE INC R	\$985.00	CEDCNU02148	5	0206
26	027-0106-018-0000	09-004824	6051 36TH AV	VALLADOLID ELISA	\$931.00	CEDCNU02010	6	0206
27	027-0211-011-0000	09-009261	5859 62ND ST	TAIT JAMIE G	\$849.45	CEDCNU02139	6	0206
28	031-0450-030-0000	09-011278	14 PAYNE RIVER CR	STRANGIO FRANK	\$831.00	CEDCNU02135	7	0206
29	031-0880-010-0000	09-003356	7473 HIGHWIND WY	SANCHEZ THEODORE SR/BARBARA	\$1,123.30	CEDCNU02115	7	0206
30	038-0360-027-0000	09-010054	6021 BELLEVIEW AV	MOUA FOUATHYULYSES	\$699.40	CEDCNU02146	6	0206
31	040-0082-001-0000	09-004469	6501 SUN RIVER DR	LEE CHAY	\$849.45	CEDCNU02158	6	0206
32	040-0200-038-0000	09-005149	6829 RANCHO ADOBE DR	DATT KOKILA	\$450.00	CEDCNU01998	6	0206
33	049-0186-008-0000	09-011297	7512 29TH ST	KORBIN LLC	\$1,903.45	CEDCNU02134	8	0206
34	049-0187-003-0000	09-031710	7397 FLORES WY	CREATE WEALTH REAL ESTATE INCORPORATED	\$1,903.45	CEDCNU02161	8	0206
35	078-0430-018-0000	09-010639	8721 SAINTS WY	BANK OF NEW YORK	\$831.00	CEDCNU02155	6	0206
36	118-0162-001-0000	09-011301	5359 SCARBOROUGH WY	ALI NAIZAL N	\$1,021.00	CEDCNU02109	8	0206
37	119-0316-015-0000	09-005696	4470 MONTRIL WY	SUAV SAINT PAUL VAJ AND VA XIONG-VAJ	\$3,309.40	CEDCNU02162	7	0206
38	119-1300-023-0000	09-006355	3955 SAMOS WY	CARRINGTON MORTGAGE LOAN TRUST 2007 RFC 1 C/O GREENPOINT MORTGAGE	\$931.00	CEDCNU02110	8	0206
39	225-0301-008-0000	09-004579	3278 BRIDGEFORD DR	GONZALEZ MIGUEL/AURORA	\$1,885.00	CEDCNU01994	1	0206
40	225-0307-003-0000	09-008864	3153 BRIDGEFORD DR	ODBERT JOHN P	\$831.00	CEDCNU02127	1	0206
41	225-0920-046-0000	09-008896	3074 MONTVIEW WY	KITTLING NELDA F	\$861.85	CEDCNU02021	1	0206
42	226-0080-074-0000	07-051201	1127 NEAL RD	PRASAD RAVINESH	\$387.80	CEDCNU01749	2	0206
43	226-0122-009-0000	09-006051	719 PINEDALE AV	RAM UMA C/DEVI B	\$991.00	CEDCNU02129	2	0206
44	250-0306-011-0000	09-011441	3367 WESTERN AV	HEAVEN INVESTMENTS HOLDING CORPORATION	\$370.89	CEDCNU02149	2	0206

Code Enforcement Case Fees and Penalties – Liens

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45	251-0172-019-0000	09-010530	1331 NOGALES ST	NNAEMEKA IGNATIUS O	\$1,195.45	CEDCNU02143	2	0206
46	252-0281-034-0000	08-015636	3550 DEL PASO BL	SAVA SHARON A	\$1,087.60	CEDCNU02163	3	0206
47	252-0281-034-0000	08-015636	3550 DEL PASO BL	SAVA SHARON A	\$2,000.00	CEDCEA00327	3	0206
48	262-0201-013-0000	09-008894	2705 NORTHGLEN ST	HAMILTON BRENDA J	\$831.00	CEDCNU02159	1	0206
49	262-0234-005-0000	09-008891	2601 NORTHVIEW DR	MENDOZA GERARDO F	\$103.45	CEDCNU02151	1	0206
50	263-0122-029-0000	06-002740	2700 GROVE AV	MARTIN JAIME	\$775.00	CEDCNU02119	2	0206
51	265-0221-012-0000	09-008351	2863 DEL PASO BL	WILLIAMS GREGORY R	\$831.00	CEDCNU02019	2	0206
52	265-0323-020-0000	09-009720	1013 SANTIAGO AV	KASPAR SUSAN/PATTI STEPHENS	\$831.00	CEDCNU02018	2	0206
53	275-0015-019-0000	09-006026	159 STANFORD AV	NOZDRIN MIKHAIL	\$861.85	CEDCNU02128	2	0206
				TOTAL:	\$58,801.18			