



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604

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PUBLIC HEARING
April 13, 2010

**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 \$92,093.16 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. Background information is provided in Attachment 1.

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:

California Environmental Quality Act (CEQA): The proposed resolution will not have any adverse environmental impact.

Sustainability Considerations: There are no applicable sustainability considerations.

Commission/Committee Action: Not applicable.

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:



Gus Vina
Interim 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.

RESOLUTION NO. 2010-

Adopted by the Sacramento City Council

April 13, 2010

ACCEPTING CODE ENFORCEMENT CASE FEES AND PENALTIES – FINDINGS OF FACT FOR SPECIAL ASSESSMENT LIENS

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 \$92,093.16 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 January 27 and February 24, 2010. 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 – Special Assessment Liens

EXHIBIT A

List of Properties – Special Assessment Liens

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	009-0056-001-0000	08-096507	1915 5TH ST	KERNER LILLIAN M	\$2,456.00	CEDCNU02348	4	0206
2	009-0056-001-0000	08-096507	1915 5TH ST	KERNER LILLIAN M	\$1,500.00	CEDCEA00349	4	0206
3	009-0056-001-0000	08-096507	1915 5TH ST	KERNER LILLIAN M	\$2,500.00	CEDCEA00350	4	0206
4	010-0314-006-0000	09-008273	3448 Y ST	PRAVDIN YEVGENIY/GALINA GALANT	\$946.00	CEDCNU02487	5	0206
5	013-0284-018-0000	09-005218	3283 9TH AV	TREVILLION SHARON DENISE	\$916.70	CEDCNU02355	5	0206
6	013-0351-018-0000	09-033230	3300 38TH ST	ROSEMOND WAYNE	\$689.80	CEDCNU02339	5	0206
7	014-0053-033-0000	09-004881	3809 Y ST	DHILLON HARBANS S/NARINDER K	\$831.00	CEDCNU02464	5	0206
8	014-0122-028-0000	09-010455	2801 42ND ST	MOORE ELIZA R/EST OF C/O DERRICK BOYKINS	\$1,170.11	CEDCNU02448	5	0206
9	014-0123-009-0000	07-050417	4363 4TH AV	BRUCE DEREK H	\$1,147.70	CEDCNU02387	5	0206
10	014-0142-011-0000	08-100362	4007 BROADWAY	PEREZ ROSALIO O (Est Of) c/o MILDRED F WILLIAMS	\$931.00	CEDCNU02366	5	0206
11	014-0161-023-0000	09-032280	2985 42ND ST	CHARLES M JONES FAMILY TRUST	\$500.00	CEDCNU02358	5	0206
12	014-0173-015-0000	09-041152	3946 7TH AV	RIOS ESTHER D	\$3,749.39	CEDCNU02485	5	0206
13	014-0174-007-0000	08-090781	3915 8TH AV	JOHNSON GLENDA/SHARON NASH/ROBERT L	\$1,103.80	CEDCNU02471	5	0206
14	014-0174-007-0000	08-090781	3915 8TH AV	JOHNSON GLENDA/SHARON NASH/ROBERT L	\$1,000.00	CEDCEA00374	5	0206
15	014-0174-007-0000	08-090781	3915 8TH AV	JOHNSON GLENDA/SHARON NASH/ROBERT L	\$1,500.00	CEDCEA00375	5	0206
16	014-0191-012-0000	09-002934	3142 43RD ST	SRR TRADING LLC	\$846.00	CEDCNU02465	5	0206
17	014-0211-010-0000	09-032331	3427 40TH ST	O DONAHUE JAMES MICHAEL DOUGLASS	\$321.75	CEDCNU02457	5	0206
18	014-0244-010-0000	09-037711	4072 11TH AV	LORINE HALL	\$116.70	CEDCNU02332	5	0206
19	014-0264-021-0000	09-036343	3847 SAN CARLOS WY	OCAMPO MAXIMINO/MARIA	\$916.70	CEDCNU02375	5	0206
20	015-0072-021-0000	09-039741	3001 60TH ST	RODRIGUEZ ROSITA	\$122.80	CEDCNU02489	6	0206

Code Enforcement Case Fees and Penalties – Liens

April 13, 2010

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
21	016-0243-021-0000	06-005246	1125 28TH AV	LOUIE JEFFREY A/STEVEN	\$599.00	CEAP070040	4	0206
22	016-0243-021-0000	06-005246	1125 28TH AV	LOUIE JEFFREY A/STEVEN	\$1,299.00	CEAP070041	4	0206
23	020-0031-013-0000	08-008139	3835 36TH ST	YANGH DAVID/CARRIE	\$931.00	CEDCNU02369	5	0206
24	020-0031-013-0000	08-008139	3835 36TH ST	YANGH DAVID/CARRIE	\$1,500.00	CEDCEA00353	5	0206
25	020-0043-005-0000	09-032336	3932 33RD ST	NINA TALANOFF	\$1,000.00	CEDCNU02378	5	0206
26	020-0061-039-0000	09-001659	3701 16TH AV 1/2	INDIAN HARBOR LLC	\$2,113.51	CEDCNU02389	5	0206
27	020-0061-039-0000	09-001659	3701 16TH AV 1/2	INDIAN HARBOR LLC	\$1,500.00	CEDCEA00354	5	0206
28	020-0132-015-0000	08-015320	3748 18TH AV	CLARK STEVEN	\$1,031.00	CEDCNU02367	5	0206
29	020-0132-015-0000	08-015320	3748 18TH AV	CLARK STEVEN	\$500.00	CEDCEA00351	5	0206
30	022-0023-019-0000	08-091283	3815 23RD AV	ADAMS LOUIS W/LOLA	\$1,132.80	CEDCNU02469	5	0206
31	022-0023-019-0000	08-091283	3815 23RD AV	ADAMS LOUIS W/LOLA	\$522.80	CEDCEA00372	5	0206
32	023-0075-021-0000	09-004867	4991 EMERSON RD	WALTER S. MELUSKY, JR PHYLLIS M. MELUSKY	\$2,344.39	CEDCNU02388	6	0206
33	023-0111-030-0000	09-038594	5101 STOCKTON BL	PREFERRED PROPERTIES LLC C/O DENNIS GRIFFIN	\$5,470.91	CEDCNU02351	5	0206
34	023-0111-031-0000	09-038553	5261 STOCKTON BL	PREFERRED PROPERTIES LLC	\$2,964.44	CEDCNU02350	5	0206
35	023-0211-001-0000	09-038541	5303 STOCKTON BL	COAST CAPITAL INCOME FUND LLC	\$4,110.88	CEDCNU02352	5	0206
36	023-0251-039-0000	09-039366	5400 64TH ST	MARTINEZ ARMANDO	\$900.00	CEDCNU02450	6	0206
37	027-0151-001-0000	09-033840	7704 33RD AV	WELLS FARGO BANK C/O EMC MORTGAGE CORPO	\$1,000.00	CEDCNU02376	6	0206
38	027-0192-013-0000	09-035831	5872 61ST ST	BROWN JAMES/PRISCILLA L	\$402.59	CEDCNU02383	6	0206
39	027-0331-036-0000	08-002568	7727 38TH AV	PEREZ ANTONIO & GLORIA	\$573.80	CEDCNU00496	6	0206
40	036-0042-004-0000	09-037612	6212 HERMOSA ST	STAR ONE RESIDENTIAL LLC	\$959.00	CEDCNU02342	5	0206
41	036-0042-005-0000	09-037436	6216 HERMOSA ST	UJAGAR AMANDEEP K	\$1,099.21	CEDCNU02343	5	0206

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ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
42	036-0042-015-0000	09-037664	6221 25TH ST	TEJEDA JOSE	\$1,616.70	CEDCNU02363	5	0206
43	047-0112-001-0000	09-032906	7301 19TH ST	FEDERAL NATIONAL MORTGAGE ASSOCIATION C/O RECONTRUST COMPANY	\$931.00	CEDCNU02377	8	0206
44	048-0034-007-0000	09-033385	7463 STELLA WY	GILMORE RUSSELL E/GILMORE GLADYS TRICE M	\$402.59	CEDCNU02340	8	0206
45	048-0046-003-0000	09-035081	7455 RED WILLOW ST	OROSCO JOE G/RAMONA G	\$900.00	CEDCNU02365	8	0206
46	052-0075-002-0000	09-004006	7648 SWEETBRIER WY	J/E REAL ESTATE INVESTORS LLC	\$2,052.47	CEDCNU02391	8	0206
47	052-0075-002-0000	09-004006	7648 SWEETBRIER WY	J/E REAL ESTATE INVESTORS LLC	\$1,500.00	CEDCEA00356	8	0206
48	052-0075-002-0000	09-004006	7648 SWEETBRIER WY	J/E REAL ESTATE INVESTORS LLC	\$2,500.00	CEDCEA00357	8	0206
49	053-0035-002-0000	08-015648	7645 24TH ST	CAL SAFE LLC	\$775.81	CEDCNU01187	8	0206
50	053-0062-013-0000	09-039091	7728 DETROIT BL	SINGH IMMANUEL	\$1,304.02	CEDCNU02386	8	0206
51	053-0093-010-0000	09-032254	3641 FALLIS CR	SINGH SATEN/SARITA LATA	\$1,623.43	CEDCNU02362	7	0206
52	053-0094-017-0000	09-039279	7809 SHRADER CR	ESPINOZA JESUS H/MARIA G	\$385.89	CEDCNU02479	7	0206
53	078-0101-005-0000	09-004705	2808 GINGER CT	FOUST KIMBERLY A	\$916.70	CEDCNU02344	6	0206
54	119-0330-004-0000	09-031423	3745 ANDROS WY	DAYRIT EVERLINDA	\$4,300.00	CEDCNU02470	8	0206
55	119-0330-004-0000	09-031423	3745 ANDROS WY	DAYRIT EVERLINDA	\$2,000.00	CEDCEA00373	8	0206
56	119-1300-058-0000	09-035734	7600 BLUEBROOK WY	SIMON ALBERT A JR	\$515.43	CEDCNU02459	8	0206
57	225-0622-007-0000	09-010684	1921 BANNON CREEK DR	MARVEL LOUISE/HISAHO H KOYASA	\$2,322.21	CEDCNU02346	1	0206
58	225-0622-007-0000	09-010684	1921 BANNON CREEK DR	MARVEL LOUISE/HISAHO H KOYASA	\$500.00	CEDCNU02347	1	0206
59	237-0550-002-0000	09-043234	1279 LAMBERTON	VASQUEZ LOUIE R	\$321.75	CEDCNU02490	2	0206
60	237-0620-021-0000	09-035917	5 DEJA CT	HOGAN STEVE J/TONIA R	\$315.65	CEDCNU02341	2	0206
61	250-0082-004-0000	09-032313	524 GRAND AV	CURRIER CHRISTOPHER/NANCY	\$1,139.90	CEDCNU02380	2	0206
62	250-0150-004-0000	09-038242	3572 TAYLOR ST	BELZ VOLODYMYR	\$482.84	CEDCNU02379	2	0206

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ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
63	251-0071-027-0000	09-033893	3825 CLAY ST	PERKINSON MARK	\$283.95	CEDCNU02384	2	0206
64	251-0104-014-0000	09-010777	1141 ROANOKE AV	AUSTIN-BROADUS ROSA	\$847.70	CEDCNU02374	2	0206
65	251-0157-018-0000	09-032773	3455 CYPRESS ST	JOSE RODRIGUEZ	\$953.80	CEDCNU02486	2	0206
66	251-0157-018-0000	09-032773	3455 CYPRESS ST	JOSE RODRIGUEZ	\$1,500.00	CEDCEA00378	2	0206
67	252-0111-034-0000	08-088259	3704 WILLOW ST	RATLIFF ERMA L	\$731.00	CEDCNU01457	2	0206
68	262-0163-009-0000	09-033633	630 NORWICH CT	BEAVER JAMES SR/MARYLYN	\$3,145.94	CEDCNU02336	1	0206
69	262-0313-047-0000	09-039649	2941 MADELIA DR	TOY LIANA K	\$1,728.78	CEDCNU02476	1	0206
70	265-0303-001-0000	09-011059	2648 LEXINGTON ST	REILLY JOHN P/MARGARET PATRICIA	\$295.00	CEDCNU02381	2	0206
71	266-0382-004-0000	09-041826	2524 CONNIE DR	ILAIDE PATIENCE IYEN	\$580.82	CEDCNU02467	3	0206
				Total:	\$92,093.16			