



REPORT TO COUNCIL

City of Sacramento 27

915 I Street, Sacramento, CA 95814-2604

www. CityofSacramento.org

PUBLIC HEARING

June 15, 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 \$35,674 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: California Environmental Quality Act (CEQA): The proposed resolution will not have any adverse environmental impact.

Sustainability Considerations: There are no applicable sustainability considerations.

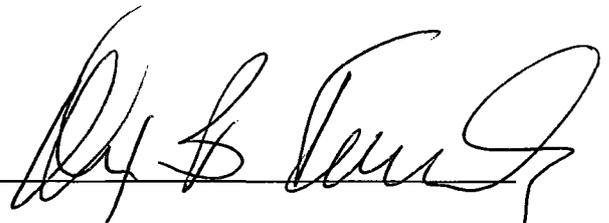
Commission/Committee Action: Not applicable.

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.

We submit this Resolution to the City Council for declaration of a special assessment.

RESOLUTION NO. 2010-

Adopted by the Sacramento City Council

June 15, 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 \$35,674 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 March 24 and April 28, 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 a lien will be placed upon

List of Properties a lien will be placed upon

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	002-0113-017-0000	09-036405	1007 E ST	SHEHADEH SABER	\$100.00	CEDCNU02511	1	0206
2	009-0111-017-0000	09-036261	309 U ST	FANNIE MAE C/O CHASE HOME FINANCE	\$831.00	CEDCNU02521	4	0206
3	009-0111-017-0000	09-036261	309 U ST	FANNIE MAE C/O CHASE HOME FINANCE	\$1,200.00	CEDCEA00385	4	0206
4	010-0204-016-0000	09-040984	3325 V ST	DRAFALL LORNA J	\$900.00	CEDCNU02512	5	0206
5	013-0351-018-0000	09-041525	3300 38TH ST	ROSEMOND WAYNE	\$4,276.00	CEDCNU02507	5	0206
6	013-0393-019-0000	09-043273	3617 34TH ST	34TH ST TRUST C/O CINDY WEIDNER	\$900.00	CEDCNU02500	5	0206
7	014-0152-021-0000	09-011353	4139 BROADWAY	MACPHERSON FAMILY TRUST	\$1,550.00	CEDCNU02523	5	0206
8	014-0203-018-0000	09-034902	3434 40TH ST	RIOS NOEMI CONSUELO	\$900.00	CEDCNU02518	5	0206
9	014-0243-004-0000	08-004770	3520 41ST ST	CLARK DANIEL M	\$931.00	CEDCNU02508	5	0206
10	014-0243-004-0000	08-004770	3520 41ST ST	CLARK DANIEL M	\$1,500.00	CEDCEA00384	5	0206
11	014-0246-006-0000	09-031690	3532 43RD ST	SAVA SHARON ANN	\$900.00	CEDCNU02529	5	0206
12	020-0031-012-0000	09-041201	3833 36TH ST	CANDELERIO MICHAEL	\$1,676.54	CEDCNU02503	5	0206
13	020-0273-023-0000	09-032567	3657 22ND AV	EARL BETTIE M	\$1,000.00	CEDCNU02522	5	0206
14	020-0273-023-0000	09-032567	3657 22ND AV	EARL BETTIE M	\$250.00	CEDCEA00387	5	0206
15	020-0273-023-0000	09-032567	3657 22ND AV	EARL BETTIE M	\$500.00	CEDCEA00388	5	0206
16	021-0207-001-0000	09-009421	5416 19TH AV	SEAN D. MCDERMOTT	\$1,234.73	CEDCNU02506	5	0206
17	025-0091-009-0000	09-047424	3150 FRUITRIDGE RD	BERMUDEZ URCUYO OMAR	\$900.00	CEDCNU02516	5	0206
18	027-0115-015-0000	09-049437	6353 JANSEN DR	BINGHAM JOYCELYN L	\$938.16	CEDCNU02544	6	0206
19	027-0183-012-0000	09-043589	5501 MCMAHON DR	CHIPMAN RICHARD/TERAH	\$900.00	CEDCNU02528	6	0206
20	049-0401-024-0000	09-043641	7422 WINNETT WY	HAYNES DORENDA	\$1,000.00	CEDCNU02536	8	0206
21	052-0270-026-0000	09-044639	1997 LEFORD WY	GARCIA MANINDER SINGH/AVTAR SINGH	\$1,198.95	CEDCNU02541	8	0206

Code Enforcement Case Fees and Penalties – Liens

June 15, 2010

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
22	119-0300-017-0000	09-003624	7967 LA CORUNA DR	WHEELER HOSEA L	\$869.16	CEDCNU02591	7	0206
23	225-0307-003-0000	09-046819	3153 BRIDGEFORD DR	ODBERT JOHN P	\$900.00	CEDCNU02535	1	0206
24	225-0700-045-0000	09-046679	1850 PEBBLEWOOD DR	FUHRMAN PAMELA S	\$938.16	CEDCNU02533	1	0206
25	225-1850-098-0000	09-040134	3414 COLCHESTER AV	GALO SUSAN/TEDDY	\$1,332.40	CEDCNU02542	1	0206
26	226-0200-002-0000	09-032684	616 SANTA ANA AV	JACKSON ANTHONY G	\$938.16	CEDCNU02526	2	0206
27	226-0200-002-0000	09-032684	616 SANTA ANA AV	JACKSON ANTHONY G	\$1,500.00	CEDCEA00389	2	0206
28	226-0330-096-0000	09-044027	245 PEACH LEAF WY	MAHAL SURJIT	\$900.00	CEDCNU02534	2	0206
29	238-0071-038-0000	09-041551	605 CLINGER CT	BARRAGAN JESUS	\$900.00	CEDCNU02519	2	0206
30	251-0311-010-0000	09-043961	1281 DIAMOND AV	PATRICK ORLAND J	\$900.00	CEDCNU02513	2	0206
31	262-0162-005-0000	09-011015	701 NORWICH CT	BOULAIS JOSEPH L	\$400.00	CEDCNU02451	1	0206
32	265-0030-011-0000	09-044134	3175 CALLECITA ST	RYAN DENISE	\$929.82	CEDCNU02525	2	0206
33	275-0088-003-0000	09-033806	1625 DEL PASO BL	BETTY J. / BERNARD D. POOL	\$1,579.82	CEDCNU02515	2	0206
				TOTAL:	\$35,673.90			