



City of Sacramento City Council

915 I Street, Sacramento, CA, 95814

www.CityofSacramento.org

Meeting Date: 12/14/2010

Report Type: Consent

Title: Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens

Report ID: 2010-00036

Location: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution placing liens on the properties in the amount of \$52,679 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, Community Development Department

Presenter: Dennis Kubo, Code Enforcement Manager, 808-8577, Community Development Department

Department: Community Development Dept

Division: Neighborhood Code Compliance

Dept ID: 21001313

<p>Attachments:</p> <p>1-Description/Analysis 3-Background 4-Resolution 5-Exhibit</p>	<p>City Attorney Review Approved as to Form</p> <p>Michael J. Benner 12/9/2010 1:05:20 PM</p> <p>City Treasurer Review Prior Council Financial Policy Approval or Outside City Treasurer Scope</p> <p>Russell Fehr 12/2/2010 3:22:41 PM</p>

Approvals/Acknowledgements

Department Director: Max Fernandez 12/7/2010-9:47:00 AM

Assistant City Manager: John Dangberg - 12/8/2010 3:47:33 PM



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

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.



Back to Table
of Contents

RESOLUTION NO. 2010-

Adopted by the Sacramento City Council

December 14, 2010

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

BACKGROUND

- A. The Community Development Department’s Neighborhood Code Compliance Division, 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 Neighborhood Code Compliance Division established by competent evidence before the Hearing Examiner that the unpaid fees and penalties had been imposed in accordance with City Code.
- D. The Neighborhood Code Compliance Division 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 \$52,679 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 22 and October 27, 2010. This amount may be reduced by staff for any purpose that serves to facilitate abatement of nuisance conditions upon properties within the City of Sacramento.
- 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.

Table of Contents:

Exhibit A – List of Properties to be Liened



EXHIBIT A

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	000-6010-102-1000	09-006072	905 K ST	Halls Capital Plaza	\$1481	CEDCNU02923	1	0206
2	002-0173-023-0000	10-008508	623 16TH ST	CHENG JANET	\$921.97	CEDCNU02906		0206
3	003-0196-011-0000	10-010150	714 27TH ST	WILMS MICHELE	\$900	CEDCNU02863		0206
4	008-0020-029-0000	C050043064	5907 ELVAS AV	SVETOMIR KOSANOVIC	\$1700	CEDCNU02917		0206
5	009-0334-006-0000	10-003966	2664 HARKNESS ST	MORRIS THOMAS SKILLMAN III/JULIA	\$1000	CEDCNU02862		0206
6	010-0314-006-0000	10-008524	3448 Y ST	PRAVDIN YEVGENIY/GALINA GALANT	\$2147.26	CEDCNU02895		0206
7	013-0393-019-0000	10-002945	3617 34TH ST	34TH ST TRUST	\$918.2	CEDCNU02814		0206
8	014-0174-016-0000	10-008108	0 MARTIN LUTHER KING JR	LYNN HIGHTOWER	\$900	CEDCNU02896		0206
9	014-0181-005-0000	10-008672	3032 SAN CARLOS WY	JONES LEONARD CHARLES	\$900	CEDCNU02851		0206
10	014-0193-007-0000	10-008683	3050 SAN DIEGO WY	RA LINDA/JOSEFINA OCHOA	\$1596.72	CEDCNU02855		0206
11	014-0195-013-0000	10-013131	4469 7TH AV	CERVANTES MARIA E/FRANCISCO A ARMENTA	\$269.44	CEDCNU02894		0206
12	014-0244-032-0000	10-013612	4043 12TH AV	LANGLOIS 2001 TRUST	\$298.95	CEDCNU02875		0206
13	014-0283-014-0000	10-009864	4550 12TH AV	U S BANK	\$385.89	CEDCNU02856		0206
14	018-0042-009-0000	08-090838	2156 18TH AV	TAONUS NARRMAYET	\$852.97	CEDCNU02876		0206
15	019-0115-013-0000	10-003039	2505 24TH AV	BOATENG PETER	\$1018.2	CEDCNU02864		0206
16	020-0015-004-0000	10-009048	3232 12TH AV	MDA FUND VIII LLC	\$1183.94	CEDCNU02878		0206
17	020-0121-010-0000	10-014006	4220 34TH ST	BENAVIDES ELISA	\$317.15	CEDCNU02889		0206
18	020-0266-004-0000	10-013191	3330 21ST AV	AZEEZ AMINA B	\$921.97	CEDCNU02913		0206
19	021-0342-003-0000	09-052176	7404 MARIN AV	PONTLIANA NICHOLAS W III	\$918.2	CEDCNU02822		0206
20	022-0064-015-0000	10-011421	4941 MCGLASHAN ST	HASKINS BETTY	\$317.15	CEDCNU02871		0206
21	022-0141-017-0000	10-015321	5001 48TH ST	HOWES STEVEN L	\$320.92	CEDCNU02909		0206

22	023-0193-012-0000	10-010343	5221 78TH ST	FEDERAL NATIONAL MORTGAGE ASSOCIATION C/O RECONTRUST COMPANY	\$298.95	CEDCNU02877 6	0206
23	023-0291-002-0000	10-010171	5408 STANDISH RD	COLE CHRISTINE L	\$1416.83	CEDCNU02857 6	0206
24	025-0172-026-0000	10-011523	3161 34TH AV	ANDRUS GEORGE C/DAVID E RASMUSSEN	\$921.97	CEDCNU02898 5	0206
25	027-0071 -039-0000	10-014088	7717 32ND AV AKA 7713 32ND AV	LANE GORDON	\$404.09	CEDCNU02873 6	0206
26	027-0071 -039-0000	10-014088	7717 32ND AV AKA 7713 32ND AV	LANE GORDON	\$416.04	CEDCNU02916 6	0206
27	031-0720-020-0000	10-009688	78 HERITAGE WOOD CR	COOPER TRUST c/o BRENT PETERSEN	\$900	CEDCNU02861 7	0206
28	038-0141-018-0000	09-041732	7720 LEMON HILL AV	SETSUKO HASHIGAMI	\$1000	CEDCEA00440 6	0206
29	038-0141-018-0000	09-041732	7720 LEMON HILL AV	SETSUKO HASHIGAMI	\$1000	CEDCNU02806 6	0206
30	038-0350-021-0000	10-011410	7055 ELDER CREEK RD	PHI NGA	\$404.09	CEDCNU02854 6	0206
31	040-0096-011-0000	10-007871	7812 51ST AV	PHANG LAO	\$918.2	CEDCNU02860 6	0206
32	040-0144-027-0000	10-011228	6771 75TH ST	RANDOLPH MAE	\$504.81	CEDCNU02908 6	0206
33	041-0024-029-0000	10-009423	2751 WAH AV	SHANKAR EDWIN R	\$900	CEDCNU02903 5	0206
34	041-0047-010-0000	10-009862	6881 CAL VALLEY WY	PRATRAP UMA D	\$918.2	CEDCNU02848 5	0206
35	047-0022-006-0000	10-010066	1500 FLORIN RD	GARNER SONIA	\$1021.97	CEDCNU02922 8	0206
36	047-0266-001-0000	10-007661	2152 68TH AV	PEREZ ROBERT/ANGELIC	\$1127	CEDCNU02879 8	0206
37	048-0166-001-0000	10-007901	7492 RED WILLOW ST	WHITE LESSIE	\$900	CEDCNU02837 8	0206
38	049-0186-008-0000	10-009010	7512 29TH ST	SILVER LAKE SECURITIES INCORPORATED	\$1127	CEDCNU02888 8	0206
39	052-0121-035-0000	10-010627	1561 BELT WY	ZHANG QIN	\$918.2	CEDCNU02825 8	0206
40	117-1350-008-0000	10-010346	7445 SHELBY ST	TODD DAVID R	\$918.2	CEDCNU02882 8	0206
41	119-0200-099-0000	10-005136	143 CEDAR ROCK CR	DUTT BIMAL	\$1707.48	CEDCNU02869 8	0206
42	201-0830-013-0000	10-009653	5826 BRIDGECROSS DR	FLYINGFISH REVOCABLE TRUST/PETER NAKASO/LYNN	\$921.97	CEDCNU02900 1	0206
43	215-0260-008-0000	09-047726	0 CLAIRE AV	AK CUSTOM HOMES LLC	\$1000	CEDCNU02905 2	0206

44	225-0810 -102-0000	10-009876	2111 KASHMIR WY	RON OSSPAPOT PERSONAL TRUST	\$500	CEDCNU02853	1	0206
45	237-0282-032-0000	10-008122	4140 FRUITA CT	FOSTER RUTH ALICE	\$921.97	CEDCNU02911	2	0206
46	250-0172-021-0000	10-005019	3431 MABEL ST	LAO THAO /MAY KO YA	\$2666.21	CEDCNU02902	2	0206
47	251-0043-003-0000	10-013584	3945 BALSAM ST	CASEY MONTGOMERY/DEBORAH	\$298.95	CEDCNU02910	2	0206
48	251-0243-012-0000	10-012642	3332 RIO LINDA BL	PHOMMAVONG MATTHEW K/JANE L SONODA	\$317.15	CEDCNU02870	2	0206
49	252-0014-002-0000	10-011528	3941 LILY ST	CORTEZ MICHELLE/RICHARD E HARROLD	\$620.58	CEDCNU02872	2	0206
50	252-0082-037-0000	09-037719	2133 GRAND AV	FOUST KIMBERLY A	\$918.2	CEDCNU02886	2	0206
51	252-0082-038-0000	09-039805	2145 GRAND AV	SHERI L SEPANSKI	\$1000	CEDCNU02824	2	0206
52	252-0292 -038-0000	10-010277	2105 HUDSON WY	HARNESS KENNETH E/TERESA A	\$1198.54	CEDCNU02899	3	0206
53	263-0163-023-0000	09-047321	2651 FAIRFIELD ST	ECHEVARRIA ROBERT M/ ISABEL C	\$1000	CEDCNU02858	2	0206
54	263-0163-023-0000	09-047321	2651 FAIRFIELD ST	ECHEVARRIA ROBERT M/ ISABEL C	\$1500	CEDCEA00445	2	0206
55	265-0302-016-0000	10-005507	1029 FRIENZA AV	JONES CONSUELO M	\$900	CEDCNU02901	2	0206
56	266-0153-034-0000	09-041011	1938 MARCONI	ROBINSON ROBERT	\$1021.97	CEDCNU02925	3	0206
57	277-0213-018-0000	10-008968	2020 MIDDLEBERRY RD	DELATORRE SOL/ELVIRA ROMOVIVAR	\$900.00	CEDCNU02821	3	0206
				TOTAL:	\$52,678.50			