



City of Sacramento City Council

915 I Street, Sacramento, CA, 95814

www.CityofSacramento.org

22

Meeting Date: 6/14/2011

Report Type: Public Hearing

Title: Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens (Noticed on 4-21-11)

Report ID: 2011-00413

Location: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution placing liens on the properties for the amount listed on Exhibit A for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Robert Rose, Code Enforcement Manager (916) 808-5947, Community Development Department

Presenter: Robert Rose, Code Enforcement Manager (916) 808-5947, Community Development Department

Department: Community Development Dept

Division: Neighborhood Code Compliance

Dept ID: 21001313

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Reso
- 4-Attachment - exhibit A

City Attorney Review

Approved as to Form
Gustavo Martinez
6/1/2011 1:20:43 PM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope
Russell Fehr
5/23/2011 9:24:25 AM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 5/28/2011 11:13:09 AM

Assistant City Manager: John Dangberg - 5/31/2011 11:44:35 AM

Eileen Teichert, City Attorney

Shirley Concolino, City Clerk
William H. Edgar, Interim City Manager

Russell Fehr, City Treasurer



REPORT TO COUNCIL

City of Sacramento

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

PUBLIC HEARING
June 14, 2011

**Honorable Mayor and
Members of the City Council**

**Title: Neighborhood Code Compliance 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 for the amount listed on Exhibit A for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Robert Rose, Code Enforcement Manager, 808-5947

Presenters: Robert Rose, Code Enforcement Manager

Department: Community Development

Division: Neighborhood Code Compliance

Organization No: 21001313

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, Community Development Department

Recommendation Approved:

Bill Edgar
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. 2011-

Adopted by the Sacramento City Council

June 14, 2011

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 fees in the aggregate amount not to exceed \$63,159 and reasonable penalties in the aggregate amount not to exceed \$4,500 are the sums set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on March 23 and April 27, 2011. The amount of penalties 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.

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Exhibit A – List of Properties to be Liened



EXHIBIT A

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	TYPE	CD	COUNTY CODE
1	002-0084-010-0000	10-020264	1311 D ST	SAETANG SOMPHONG SAM/DARIAN SPANN	\$1,475.00	CEDCNU03199	F	3	0206
2	010-0045-002-0000	10-020178	1811 26TH ST	JOE JONES PROPERTIES	\$1,000.00	CEDCNU03322	F	4	0206
3	010-0045-002-0000	10-020178	1811 26TH ST	JOE JONES PROPERTIES	\$1,500.00	CEDCEA00482	P	4	0206
4	010-0293-009-0000	10-022962	2666 FRANKLIN BL	JOHNSON CLARENCE D	\$900.00	CEDCNU03304	F	5	0206
5	010-0324-019-0000	10-023833	3654 1ST AV	TRACK STAR CORP c/o KERRY NIXON	\$900.00	CEDCNU03301	F	5	0206
6	013-0104-002-0000	10-020183	3156 4TH AV	DOLINSKY ANDREY	\$900.00	CEDCNU03305	F	5	0206
7	013-0342-021-0000	10-013260	3440 35TH ST	HASS JERRY R	\$1,628.00	CEDCNU03188	F	5	0206
8	014-0114-012-0000	10-018655	4115 4TH AV	MILLAR FREDRICK L	\$900.00	CEDCNU03197	F	5	0206
9	014-0152-039-0000	10-020249	2985 SAN JOSE WY	RAMOS JOSE M/MARTIN MARTINEZ	\$1,431.50	CEDCNU03296	F	5	0206
10	014-0173-015-0000	10-022169	3946 7TH AV	RIOS ESTHER D	\$2,336.74	CEDCNU03315	F	5	0206
11	014-0184-021-0000	10-020768	3031 40TH ST	LANE GORDON	\$2,065.54	CEDCNU03314	F	5	0206
12	014-0195-013-0000	10-020887	4469 7TH AV	CERVANTES MARIA E/FRANCISCO A ARMENTA	\$1,210.68	CEDCNU03203	F	5	0206
13	014-0244-010-0000	10-022469	4072 11TH AV	HALL LORINE	\$900.00	CEDCNU03255	F	5	0206
14	014-0251-049-0000	10-020168	3525 44TH ST	LEVINSON TRENT S	\$2,105.86	CEDCNU03312	F	5	0206
15	016-0103-019-0000	10-019588	4641 HILLVIEW WY	LARSON ELENA	\$900.00	CEDCNU03196	F	4	0206
16	019-0173-005-0000	10-023039	5241 25TH ST	LUONG VAN/QI H LUO	\$400.00	CEDCNU03194	F	5	0206
17	020-0052-026-0000	10-016268	4049 34TH ST	CORNELLO CAESAR	\$1,128.00	CEDCNU03122	F	5	0206
18	020-0131-044-0000	10-023340	4216 38TH ST	SARASAU NEMANI	\$1,528.94	CEDCNU03257	F	5	0206
19	020-0271-020-0000	10-020539	3524 21ST AV	CHANDER/VEENA SOIN FAMILY TRUST/ETAL	\$900.00	CEDCNU03178	F	5	0206
20	021-0192-006-0000	10-018396	4228 77TH ST	TAASAN VALENCIA CRISTINA/LEOPOLDO C VALENCIA	\$900.00	CEDCNU03177	F	6	0206
21	022-0062-008-0000	10-022173	5020 BONNIEMAE WY	CHEN JIA Q	\$900.00	CEDCNU03198	F	5	0206
22	022-0151-002-0000	10-009430	3250 26TH AV	UJAGAR AMANDEEP K	\$900.00	CEDCNU03180	F	5	0206

23	022-0151-024-0000	10-009234	5127 FRANKLIN BL	UJAGAR AMANDEEP K	\$900.00	CEDCNU03181	F	5	0206
24	023-0224-009-0000	10-019730	5505 57TH ST	4 ALL 8	\$900.00	CEDCNU03185	F	5	0206
25	025-0173-004-0000	10-026185	3000 34TH AV	LYNN FRANK, PUBLIC GUARDIAN OF SACRAMENTO COUNTY, STATE OF CALIFORNIA, AS CONSERVATOR OF THE ESTATE OF ANNA RIVERA	\$1,743.67	CEDCNU03311	F	5	0206
26	027-0011-001-0000	10-020745	5440 FRUITRIDGE RD	TRUONG OANH KIM	\$1,724.45	CEDCNU03295	F	6	0206
27	035-0371-004-0000	10-023582	2173 50TH AV	LAI MEI YIU/LI NA KUANG	\$900.00	CEDCNU03302	F	5	0206
28	036-0043-002-0000	10-023012	6200 VENTURA ST	SINGH JASMEL/JAGDEEP	\$1,649.28	CEDCNU03299	F	5	0206
29	038-0091-005-0000	10-007047	6140 LEMON HILL AV	PRASAD DIVEND/SANJU	\$900.00	CEDCNU03134	F	6	0206
30	052-0071-012-0000	10-013906	7648 MANORSIDE DR	NANCE LARRY B (Est Of)	\$2,366.33	CEDCNU03131	F	8	0206
31	052-0102-001-0000	10-023389	2276 PIERRE AV	CABALLERO PEDRO/REYNALDA HERNANDEZ	\$900.00	CEDCNU03306	F	8	0206
32	052-0138-001-0000	10-022824	1520 JANRICK AV	FEDERAL NATIONAL MORTGAGE ASSOCIATION C/O RECONTRUST CO.	\$1,794.37	CEDCNU03310	F	8	0206
33	053-0141-021-0000	10-020936	7915 ANN ARBOR WY	BROWN JUANETA G W/WILLIAM H WELCH/GLADYS/MATTIE	\$1,000.00	CEDCNU03321	F	7	0206
34	079-0074-004-0000	10-022400	2700 CALDWELL CT	JOHNSON FAMILY REVOCABLE TRUST/GREG U MORI/ETAL	\$400.00	CEDCNU03303	F	6	0206
35	117-0400-096-0000	10-017885	8158 LA ALMENDRA WY	LEONG JANSSEN S W Y/VICKIE	\$1561.36	CEDCNU03256	F	7	0206
36	117-0560-008-0000	10-015166	6125 CALVINE RD	WILLIAM WONG	\$1922.81	CEDCNU03298	F	7	0206
37	119-0300-076-0000	10-009928	4300 ARMADALE WY	JOHNSON KIRSTEN	\$900.00	CEDCNU03193	F	7	0206
38	119-0322-007-0000	10-017804	7994 CACERES WY	COMISKY JOSEPH PAUL/HELGA M	\$1,538.45	CEDCNU03297	F	7	0206
39	119-0430-049-0000	10-010038	6 BENOIT CT	GARCIA VINCE S SR/GLORIA R	\$1,000.00	CEDCNU03173	F	7	0206
40	119-0430-049-0000	10-010038	6 BENOIT CT	GARCIA VINCE S SR/GLORIA R	\$1,500.00	CEDCEA00478	P	7	0206
41	201-0970-020-0000	10-023112	5300 JANERO WY	SHAPIRO JACOB E	\$450.00	CEDCNU03300	F	1	0206
42	225-0721-026-0000	10-018442	1213 ANDALUSIA DR	MUZIK TERRI LYNN	\$900.00	CEDCNU03128	F	1	0206
43	225-0890-103-0000	10-019966	1663 VALLARTA CR	FIELDS YVETTE R	\$900.00	CEDCNU03192	F	1	0206
44	226-0044-003-0000	10-013083	4920 TUNIS RD	ZABALA RALPH (EST OF)	\$4,391.36	CEDCNU03187	F	1	0206

