



City of Sacramento City Council

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

Meeting Date: 8/16/2011

Report Type: Public Hearing

Title: Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens (Noticed on 7-13-11)

Report ID: 2011-00590

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, (916) 808-5947, Code Enforcement Manager, Community Development Department

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

Department: Community Development Dept

Division: Neighborhood Code Compliance

Dept ID: 21001313

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Resolution
- 4-Attachment Exhibit A

City Attorney Review

Approved as to Form
Steve Itagaki
8/11/2011 8:14:09 AM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope
Russell Fehr
8/2/2011 10:08:31 AM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 8/4/2011 3:23:45 PM

Assistant City Manager: Cassandra Jennings - 8/10/2011 10:22:58 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
August 16, 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.

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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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.



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RESOLUTION NO. 2011-

Adopted by the Sacramento City Council

August 16, 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 \$45,023 and reasonable penalties in the aggregate amount not to exceed \$14,497 are the sums set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on May 25 and June 22, 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	009-0056-001-0000	10-018962	1915 5TH ST	LILLIAN MAY KERNER	\$2,939.73	CEDCNU03422	F	4	0206
2	009-0056-001-0000	10-018962	1915 5TH ST	LILLIAN MAY KERNER	\$1,500.00	CEDCEA00487	P	4	0206
3	010-0323-015-0000	10-020579	3643 1ST AV	BJP VENTURES LLC	\$900.00	CEDCNU03449	F	5	0206
4	014-0142-017-0000	10-029420	3951 BROADWAY	NELSON FAMILY REVOCABLE 2007 TRUST	\$900.00	CEDCNU03444	F	5	0206
5	019-0181-032-0000	09-040740	2737 29TH AV	MILTON ZEDOLION/BETTY	\$9,365.88	CEDCNU03438	F	5	0206
6	021-0077-009-0000	10-026611	4091 65TH ST	HUYNH TRANG ANH	\$1,098.95	CEDCNU03419	F	6	0206
7	022-0014-009-0000	10-025470	3491 24TH AV	CAL SAFE LLC	\$1,989.36	CEDCNU03421	F	5	0206
8	022-0093-013-0000	10-016684	3816 24TH AV	ODBERT JOHN P III	\$900.00	CEDCNU03325	F	5	0206
9	022-0300-019-0000	10-022871	5251 MARTIN L KING BL	SHERYI LLC	\$900.00	CEDCNU03431	F	5	0206
10	025-0055-011-0000	10-023809	5629 DANA WY	NOPP FAMILY LIVING TRUST	\$900.00	CEDCNU03409	F	4	0206
11	025-0062-004-0000	10-028048	5612 23RD ST	ROSEMARY J HANSEN FAMILY TRUST	\$900.00	CEDCNU03450	F	4	0206
12	025-0165-016-0000	10-026183	5741 28TH ST	VATHIS NICK P/CHRISTINA A	\$900.00	CEDCNU03445	F	5	0206
13	027-0323-013-0000	10-023358	5990 WILKINSON ST	CHU COONG	\$900.00	CEDCNU03457	F	6	0206
14	030-0281-013-0000	10-025397	102 STARGLOW CR	BANK OF NEW YORK MELLON	\$1,185.89	CEDCNU03420	F	4	0206
15	036-0031-011-0000	10-026367	6115 VENTURA ST	RODRIQUEZ JUANITA	\$900.00	CEDCNU03328	F	5	0206
16	036-0151-020-0000	10-026435	6708 27TH ST	JAGUR JASWANT KAUR/MEWA SINGH	\$900.00	CEDCNU0327	F	5	0206
17	048-0103-005-0000	10-025533	1971 MATSON DR	EVANS MICHELLE L	\$1,439.59	CEDCNU03456	F	8	0206
18	048-0201-011-0000	10-028803	7516 BOWEN CR	FONG RANDALL A	\$900.00	CEDCNU03433	F	8	0206
19	048-0201-014-0000	10-028800	7522 BOWEN CR	TREAT TRUST	\$900.00	CEDCNU03429	F	8	0206
20	049-0224-015-0000	10-021000	7581 TWILIGHT DR	HER KHOU	\$385.89	CEDCNU03418	F	8	0206
21	052-0210-050-0000	10-027783	7745 MANORSIDE DR	RAFOLS RADE D/RODNY SUSPENE	\$900.00	CEDCNU03428	F	8	0206
22	052-0270-013-0000	10-022310	20 JEANROSS CT	LEWALD ANN/MARTIN	\$1237.42	CEDCNU03313	F	8	0206

23	053-0063-023-0000	10-022914	7697 DETROIT BL	NHIAYI LY THAY	\$900.00	CEDCNU03406	F	8	0206
24	053-0131-018-0000	10-023393	7758 25TH ST	TILLMAN HOSEA R/ANNIE R	\$900.00	CEDCNU03430	F	8	0206
25	117-0890-051-0000	10-028631	8675 CULPEPPER DR	TOLEDO GILBERT JR	\$900.00	CEDCNU03411	F	8	0206
26	118-0152-002-0000	11-000418	7647 TATTERSHALL WAY	COONCE CLARENCE/JANICE	\$1,171.00	CEDCNU03451	F	8	0206
27	215-0250-057-0000	08-090216	1440 VINCI AV	BOKOCH VASILYI	\$931.00	CEDCNU03435	F	2	0206
28	215-0250-057-0000	08-090216	1440 VINCI AV	BOKOCH VASILYI	\$2,499.00	CEDCEA00490	P	2	0206
29	215-0260-012-0000	09-047797	5100 JOYCE LN	MOHAMMAD ABDALLAH SHEDADEH	\$1,550.00	CEDCNU03453	F	2	0206
30	215-0260-012-0000	09-047797	5100 JOYCE LN	MOHAMMAD ABDALLAH SHEDADEH	\$1,500.00	CEDCEA00491	P	2	0206
31	225-1490-016-0000	10-026109	199 CASHMAN CR	JUMA NIAZI LIVING TRUST	\$900.00	CEDCNU03413	F	1	0206
32	226-0101-052-0000	09-045067	5209 RIO LINDA BL	ROBERT ROBINSON	\$1,000.00	CEDCNU03423	F	2	0206
33	226-0101-052-0000	09-045067	5209 RIO LINDA BL	ROBERT ROBINSON	\$8,498.00	CEDCEA00488	P	2	0206
34	226-0132-025-0000	09-052108	828 CLAIRE AV	EVANS OLGA M/ANGELICA JOHNSON	\$1,100.00	CEDCNU03434	F	2	0206
35	226-0132-025-0000	09-052108	828 CLAIRE AV	EVANS OLGA M/ANGELICA JOHNSON	\$500.00	CEDCEA00489	P	2	0206
36	226-0325-006-0000	10-022575	30 FIRE LEAF CT	BROWN LATASHA R	\$900.00	CEDCNU03412	F	2	0206
37	237-0060-054-0000	10-022836	4636 DRY CREEK RD	CHOATE BARBARA	\$1,128.00	CEDCNU03436	F	2	0206
38	252-0172-006-0000	10-020675	1913 SOUTH AV	FBW PROPERTIES LLC	\$500.00	CEDCNU03133	F	2	0206
39	265-0255-003-0000	10-025755	1001 FRIENZA AV	DOCKREY MARK E/DOLLY	\$900.00	CEDCNU03416	F	2	0206
40	275-0165-011-0000	10-023897	1119 LOCHBRAE RD	MAXEY JOHN D	\$900.00	CEDCNU03414	F	2	0206
				TOTAL:	\$59,519.71				