



City of Sacramento City Council

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

Meeting Date: 10/11/2011

Report Type: Public Hearing

Title: Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens (Noticed on 8-29-11)

Report ID: 2011-00742

Location: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution placing liens on the properties 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, Code Community Development Department

Presenter: None

Department: Community Development Dept

Division: Neighborhood Code Compliance

Dept ID: 21001313

Attachments:

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

City Attorney Review

Approved as to Form
Steve Itagaki
10/3/2011 1:37:11 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
9/1/2011 11:35:09 AM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 9/29/2011 8:48:13 AM



REPORT TO COUNCIL

City of Sacramento

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

PUBLIC HEARING
October 11, 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:

JohnShirey
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.

RESOLUTION NO. 2011-

Adopted by the Sacramento City Council

October 11, 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 \$44,712 and reasonable penalties in the aggregate amount not to exceed \$8,228 are the sums set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on July 27 and August 24, 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	009-0334-006-0000	11-001097	2664 HARKNESS ST	MORRIS THOMAS SKILLMAN III/JULIA	\$900.00	CEDCNU03541	F	4	0206
2	010-0377-009-0000	10-027380	3445 4TH AV	DUFF JAMIE L/GORDON J	\$900.00	CEDCNU03538	F	5	0206
3	011-0241-029-0000	10-028783	2197 57TH ST	BRIBIESCAS ANGIE D/DOLORES	\$900.00	CEDCNU03562	F	6	0206
4	013-0302-025-0000	10-022448	3817 7TH AV	SPECIALE AUNDRE	\$2805.36	CEDCNU03558	F	5	0206
5	013-0341-029-0000	11-000878	3220 37TH ST	GRIFFIN ANDREW R	\$900.00	CEDCNU03571	F	5	0206
6	014-0131-013-0000	10-028111	2924 38TH ST	NORRIS DEWAYNE L/DONNA	\$900.00	CEDCNU03555	F	5	0206
7	014-0244-010-0000	11-000059	4072 11TH AV	HALL LORINE	\$900.00	CEDCNU03588	F	5	0206
8	018-0032-002-0000	11-005436	2036 16TH AV	PHIFER ANNETTE	\$900.00	CEDCNU03551	F	5	0206
9	020-0121-019-0000	11-000568	3333 19TH AV	MENDOZA BETTY M/DANIEL A MONTANO/ERNEST P	\$900.00	CEDCNU03525	F	5	0206
10	022-0152-013-0000	11-005649	3431 28TH AV	BAL/URMIL SOIN FAMILY TRUST	\$900.00	CEDCNU03553	F	5	0206
11	023-0261-015-0000	10-027970	6829 FRUITRIDGE RD	KEMP HIRAM	\$900.00	CEDCNU03508	F	6	0206
12	025-0082-008-0000	11-005657	2780 32ND AV	BACHILLER LAMBERTO BUENAFE/JOSEPHINE AGLUBAT	\$900.00	CEDCNU03543	F	5	0206
13	025-0134-017-0000	11-003376	5649 BRADD WY	ERMALINE AZEVEDO	\$1,000.00	CEDCNU03590	F	5	0206
14	025-0134-017-0000	11-003376	5649 BRADD WY	ERMALINE AZEVEDO	\$1,000.00	CEDCEA00514	P	5	0206
15	025-0231-002-0000	11-003857	3130 37TH AV	PRICE SARAH	\$900.00	CEDCNU03569	F	5	0206
16	027-0071-032-0000	10-028696	5661 WILKINSON ST	EDEKI F. OSUMAH ESKINDER TADDESE	\$1,000.00	CEDCNU03524	F	6	0206
17	030-0233-014-0000	09-010584	6258 RIVERSIDE BL	ALDRIDGE-GRANT GWEN & VOTIE PATTERSON	\$555.00	CEDCNU02371	F	7	0206
18	031-0163-012-0000	11-003670	7395 WILLOW LAKE WY	BAKER BUNKERS LIVING TRUST	\$900.00	CEDCNU03563	F	5	0206
19	031-0463-001-0000	07-041806	10 ZEPHYR COVE CR	LAZARICH IVAN/LINDA/FRANKO	\$351.81	CEDCNU00512	F	7	0206
20	031-0463-001-0000	07-041806	10 ZEPHYR COVE CR	LAZARICH IVAN/LINDA/FRANKO	\$727.24	CEDCEA00061	P	7	0206
21	035-0152-009-0000	11-004200	2101 BERG AV	MARTINEZ JOSE LUIS/SILVIA M	\$900.00	CEDCNU03564	F	5	0206

22	035-0185-009-0000	11-004446	2367 THOMPSON WY	MCCASTLE MATTHEW	\$900.00	CEDCNU03544	F	5	0206
23	036-0062-009-0000	11-004450	6350 HERMOSA ST	HENNESSEE BARBARA L	\$900.00	CEDCNU03557	F	5	0206
24	038-0271-007-0000	11-006271	6328 SUN RIVER DR	MCNAUGHTON/FLISSINGE R FAMILY TRUST	\$400.00	CEDCNU03537	F	6	0206
25	041-0025-015-0000	11-004309	2808 53RD AV	DIRKSEN DOROTHY TAYLOR/ROBERT R	\$900.00	CEDCNU03566	F	5	0206
26	043-0260-023-0000	11-006950	7700 TIERRA ARBOR WY	GRAVES BRETT K	\$900.00	CEDCNU03552	F	6	0206
27	047-0022-006-0000	11-000718	1500 FLORIN RD	GARNER SONIA	\$1,000.00	CEDCNU03568	F	8	0206
28	047-0022-006-0000	11-000718	1500 FLORIN RD	GARNER SONIA	\$2,000.00	CEDCEA00511	P	8	0206
29	049-0122-006-0000	11-003843	7544 TWILIGHT DR	LA COSTA LNS INCORPORATED	\$900.00	CEDCNU03528	F	8	0206
30	053-0094-014-0000	11-006465	7821 SHRADER CR	PRASAD MADHUR LATA	\$900.00	CEDCNU03556	F	7	0206
31	061-0053-001-0000	09-047149	7916 BUTTE AV	RODRIGUEZ JOEL T	\$1,550.00	CEDCNU03516	F	6	0206
32	061-0053-001-0000	09-047149	7916 BUTTE AV	RODRIGUEZ JOEL T	\$1,000.00	CEDCEA00503	P	6	0206
33	117-0182-012-0000	10-013406	7809 COTTON LN	SITARAM TRUST	\$1,000.00	CEDCNU03534	F	8	0206
34	117-0182-012-0000	10-013406	7809 COTTON LN	SITARAM TRUST	\$2,000.00	CEDCEA00506	P	8	0206
35	117-0280-028-0000	10-013908	8144 VALLEY GREEN DR	BAC HOME LNS SERVICING LIMITED PARTNERSHIP	\$900.00	CEDCNU03547	F	7	0206
36	117-1410-022-0000	10-025621	161 CICERO CR	LIEN T DUONG LIVING TRUST	\$900.00	CEDCNU03527	F	8	0206
37	119-0280-052-0000	10-016691	7853 DEERGLEN WY	FEDERAL NATL MTG ASSOCIATION	\$1,000.00	CEDCNU03532	F	7	0206
38	201-1000-057-0000	11-000235	3338 LA CADENA WY	CAMPOS HO ERIKA/WILLIAM HO	\$900.00	CEDCNU03575	F	1	0206
39	215-0230-068-0000	11-004282	1500 ASCOT AV	EVANS JAMES MILTON/DOLORES JEAN	\$900.00	CEDCNU03572	F	2	0206
40	215-0260-004-0000	09-044806	1248 CLAIRE AV	PENSCO TRUST COMPANY CDN/ETAL	\$1,650.00	CEDCNU03503	F	2	0206
41	215-0260-071-0000	09-047793	1410 CLAIRE AV	MOHAMMAD ABDALLAH SHEHADEH, SAMIR ABDALLAH SHEHADEH, NABIL ABDALLAH SHEHADEH, KAMAL ABDALLAH SHEHADEH, C/O BILL SHEHADEH	\$1,000.00	CEDCNU03505	F	2	0206

42	215-0260-071-0000	09-047793	1410 CLAIRE AV	MOHAMMAD ABDALLAH SHEHADEH, SAMIR ABDALLAH SHEHADEH, NABIL ABDALLAH SHEHADEH, KAMAL ABDALLAH SHEHADEH, C/O BILL SHEHADEH	\$1,500.00	CEDCEA00501	P	2	0206
43	225-0420-059-0000	11-006876	1590 WOODRIDGE OAK WY	BUKHARI SYEDA ATIYA	\$900.00	CEDCNU03579	F	3	0206
44	226-0360-013-0000	10-020596	4999 SHADY LEAF WY	WELLS WILLIAM E	\$900.00	CEDCNU03515	F	2	0206
45	237-0040-014-0000	10-018299	552 MAIN AV	DRIPS RALPH W/MURIEL T	\$900.00	CEDCNU03584	F	2	0206
46	237-0510-026-0000	10-019281	305 MUNICIPAL DR	FANNIE MAE	\$1,000.00	CEDCNU03417	F	2	0206
47	252-0111-029-0000	10-022716	GRAND AV	ABUKHDAIR ISMAIL M	\$100.00	CEDCNU03529	F	2	0206
48	252-0111-030-0000	10-022594	0 GRAND AV	ABUKHDAIR ISMAIL M	\$900.00	CEDCNU03545	F	2	0206
49	252-0111-031-0000	10-022721	GRAND AV	ABUKHDAIR ISMAIL M	\$100.00	CEDCNU03530	F	2	0206
50	262-0332-038-0000	11-006945	613 LOS LUNAS WY	TAM CHEE WAH/CINDY XIAO-CUI YU	\$900.00	CEDCNU03580	F	3	0206
51	263-0323-028-0000	11-000924	3226 WESTERN AV	ETHERIDGE TINA	\$900.00	CEDCNU03539	F	2	0206
52	265-0162-029-0000	10-028994	2816 RIO LINDA BL	BROWN ERIK/LISA	\$900.00	CEDCNU03510	F	2	0206
53	265-0291-001-0000	06-015308	2593 RIO LINDA BL	FENTON STEVE D	\$400.00	CEDCNU03507	F	2	0206
54	266-0160-009-0000	10-023886	3027 CONNIE DR	DUANE PASCUAL AND HASSAN REGRAGUI	\$1,000.00	CEDCNU03513	F	2	0206
55	266-0272-031-0000	10-027820	2740 CROSBY WY	RAWAT KIRAN	\$900.00	CEDCNU03546	F	2	0206
				TOTAL:	\$52,939.41				