



City of Sacramento City Council

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

Meeting Date: 12/6/2011

Report Type: Public Hearing

Title: Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens [Noticing Not Required]

Report ID: 2011-01005

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-Resolution
- 4-Exhibit - Attachment A

City Attorney Review

Approved as to Form
 Steve Itagaki
 11/28/2011 10:45:35 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
 Russell Fehr
 11/22/2011 9:41:43 AM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 11/22/2011 10:29:09 AM



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



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

December 6, 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 \$45,258 and reasonable penalties in the aggregate amount not to exceed \$23,849 are the sums set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on September 28 and October 26, 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.

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	TYPE	CD	COUNTY CODE
1	002-0123-011-0000	11-006642	1329 E ST	ALLEN JASON G/VIRGINIA L	\$100.00	CEDCNU03703	F	4	0206
2	009-0052-023-0000	11-009193	1931 3RD ST	SAM/FRANCES SETO ONG LIVING TRUST	\$900.00	CEDCNU03608	F	4	0206
3	010-0288-010-0000	11-009446	2600 27TH ST	SCHMIEDT CATHERINE L	\$900.00	CEDCNU03707	F	5	0206
4	010-0294-015-0000	11-009450	2625 FRANKLIN BL	R/J FARMS INC	\$900.00	CEDCNU03677	F	5	0206
5	011-0214-016-0000	10-010047	2501 51ST ST	PERKINS BARBARA J	\$1,050.00	CEDCNU03681	F	6	0206
6	011-0214-016-0000	10-010047	2501 51ST ST	PERKINS BARBARA J	\$1,250.00	CEDCEA00526	P	6	0206
7	015-0123-026-0000	10-029892	5241 9TH AV	SANCHEZ LORENZO N	\$900.00	CEDCNU03600	F	6	0206
8	015-0141-011-0000	10-027931	3417 56TH ST	PERRY HAZEL E	\$900.00	CEDCNU03606	F	6	0206
9	019-0082-001-0000	11-005228	2600 19TH AV	BAL/URMIL SOIN FAMILY TRUST	\$900.00	CEDCNU03549	F	5	0206
10	021-0251-061-0000	10-027896	6792 BENDER CT	LOIS J. SMITH	\$1,000.00	CEDCNU03602	F	6	0206
11	021-0251-061-0000	10-027896	6792 BENDER CT	LOIS J. SMITH	\$1,500.00	CEDCEA00515	P	6	0206
12	021-0251-061-0000	10-027896	6792 BENDER CT	LOIS J. SMITH	\$2,000.00	CEDCEA00516	P	6	0206
13	023-0082-010-0000	11-010205	4950 CONCORD RD	STEWART BILLY D/PHYLLIS L	\$298.95	CEDCNU03680	F	6	0206
14	027-0024-005-0000	11-006791	6026 33RD AV	EVANS-COULTON SHARON	\$900.00	CEDCNU03694	F	6	0206
15	027-0071-039-0000	11-007561	7717 32ND AV	LANE GORDON	\$1,282.84	CEDCNU03715	F	6	0206
16	027-0252-015-0000	11-006808	5884 79TH ST	KLINE KENNETH M/MICHELLE A MIGUEL	\$1,098.95	CEDCNU03713	F	6	0206
17	031-0280-050-0000	11-011689	7230 LONG RIVER DR	SCHLENKER PEGGY	\$385.89	CEDCNU03726	F	7	0206
18	035-0074-009-0000	11-004390	6125 MCLAREN AV	ARLEE TURNER	\$1,198.95	CEDCNU03684	F	5	0206
19	036-0122-023-0000	11-009895	2425 52ND AV	CHANG YING/XOU	\$900.00	CEDCNU03669	F	5	0206
20	036-0131-004-0000	09-049553	0 51 AVE	WOODS ROBERT LOUIS/AUDREY B	\$900.00	CEDCNU03609	F	5	0206
21	040-0052-007-0000	11-003664	6413 75TH ST	BANK OF NEW YORK MELLON/TR	\$1,000.00	CEDCNU03716	F	6	0206
22	040-0052-007-0000	11-003664	6413 75TH ST	BANK OF NEW YORK MELLON/TR	\$1,500.00	CEDCEA00534	P	6	0206
23	047-0024-002-0000	10-028546	1400 OAKHURST WY	WELLS FARGO BANK	\$900.00	CEDCNU03593	F	8	0206

24	048-0034-009-0000	11-003779	7447 STELLA WY	BETTY ASSADABADI AND CHRISTINA ASSADABADI	\$1,000.00	CEDCNU03711	F	8	0206
25	053-0023-004-0000	11-010675	2360 KENWORTHY WY	SOWELL CORRINE	\$1,098.95	CEDCNU03724	F	8	0206
26	061-0053-027-0000	Z030032210	7901 18TH AV	JOEL T. RODRIGUEZ	\$1,735.00	CEDCNU03683	F	6	0206
27	061-0053-027-0000	Z030032210	7901 18TH AV	JOEL T. RODRIGUEZ	\$1,000.00	CEDCEA00525	P	6	0206
28	117-0231-004-0000	11-007660	6281 BAMFORD DR	WELLS FARGO BK	\$1,000.00	CEDCNU03601	F	8	0206
29	117-0290-074-0000	11-007445	5639 MEADOW PARK WY	KING JOE W SR/VERA G	\$900.00	CEDCNU03597	F	7	0206
30	117-0533-022-0000	10-026024	19 DEMPSTER CT	GUTIERREZ ANGEL RALPH	\$900.00	CEDCNU03599	F	7	0206
31	117-0560-064-0000	11-008141	6260 CALVINE RD	JOHNSON LINDA M	\$900.00	CEDCNU03664	F	8	0206
32	117-0611-029-0000	11-007784	4907 LION GATE WY	LION GATE WAY LAND TRUST C/O STATE TRUSTEE SERV	\$900.00	CEDCNU03598	F	7	0206
33	117-0760-059-0000	11-005749	5225 SUMMERBROOK WY	BANK OF AMERICA	\$900.00	CEDCNU03596	F	7	0206
34	118-0072-016-0000	10-021043	7609 CENTER PKWY	KERITH L STARKES LIVING TRUST	\$1,000.00	CEDCNU03633	F	8	0206
35	215-0230-068-0000	09-000433	1500 ASCOT AV	EVANS JAMES MILTON/DOLORES JEAN	\$1,000.00	CEDCNU03603	F	2	0206
36	215-0230-068-0000	09-000433	1500 ASCOT AV	EVANS JAMES MILTON/DOLORES JEAN	\$1,000.00	CEDCEA00517	P	2	0206
37	215-0230-068-0000	09-000433	1500 ASCOT AV	EVANS JAMES MILTON/DOLORES JEAN	\$1,500.00	CEDCEA00518	P	2	0206
38	225-0831-036-0000	11-008730	1189 RIO ROYAL WY	REA JOSEPH S/YOLANDA M	\$900.00	CEDCNU03676	F	3	0206
39	225-0890-103-0000	11-007735	1663 VALLARTA CR	WELLS FARGO BK	\$1,347.47	CEDCNU03685	F	3	0206
40	225-1250-035-0000	11-005827	2071 NATOMAS CROSSING DR	SKYHIGH PROPERTY LLC	\$900.00	CEDCNU03617	F	1	0206
41	225-1260-073-0000	11-006035	3929 GINKO WY	FEDERAL NATIONAL MORTGAGE ASSOCIATION	\$900.00	CEDCNU03616	F	1	0206
42	237-0191-019-0000	11-010278	4191 RIO LINDA BL	BANDERAS JOSE L/SARA F	\$900.00	CEDCNU03637	F	2	0206
43	250-0352-009-0000	10-026526	44 MORRISON AV	ING BK	\$900.00	CEDCNU03638	F	2	0206
44	250-0440-037-0000	10-022454	250 MORRISON AV	KIETSATHIT RAYMOND	\$900.00	CEDCNU03705	F	2	0206
45	251-0033-001-0000	11-010513	1324 NORTH AV	ELDORADO HOLDING CO INC	\$1,098.95	CEDCNU03714	F	2	0206
46	251-0242-008-0000	10-013462	3331 RIO LINDA BL	EDWIN O. AMUNEKE, TRUSTEE	\$1,100.00	CEDCNU03720	F	2	0206
47	251-0242-008-0000	10-013462	3331 RIO LINDA BL	EDWIN O. AMUNEKE, TRUSTEE	\$5,499.00	CEDCEA00538	P	2	0206
48	252-0111-006-0000	10-002561	3725 IVY ST	OBERMAIER CHERYL/ROLF S	\$1,100.00	CEDCNU03698	F	2	0206

49	252-0111-006-0000	10-002561	3725 IVY ST	OBERMAIER CHERYL/ROLF S	\$1,500.00	CEDCEA00528	P	2	0206
50	252-0111-006-0000	10-002561	3725 IVY ST	OBERMAIER CHERYL/ROLF S	\$1,500.00	CEDCEA00529	P	2	0206
51	263-0324-015-0000	10-020358	3230 KINNAIRD WY	ROBERT H. PLOWDEN AND JEANETTE PLOWDEN, TRUSTEES, 2010 ROBERT H. PLOWDEN AND JEANETTE PLOWDEN REVOCABLE TRUST	\$1,000.00	CEDCNU03567	F	2	0206
52	263-0324-015-0000	10-020358	3230 KINNAIRD WY	ROBERT H. PLOWDEN AND JEANETTE PLOWDEN, TRUSTEES, 2010 ROBERT H. PLOWDEN AND JEANETTE PLOWDEN REVOCABLE TRUST	\$200.00	CEDCEA00510	P	2	0206
53	265-0130-048-0000	10-013068	2900 CLAY ST	DIAZ MARIA G/GILDARDO PINON	\$900.00	CEDCNU03615	F	2	0206
54	265-0241-033-0000	10-023427	2640 BEAUMONT ST	CHRISTOPHER L. HERAS	\$1,561.36	CEDCNU03717	F	2	0206
55	265-0241-033-0000	10-023427	2640 BEAUMONT ST	CHRISTOPHER L. HERAS	\$1,500.00	CEDCEA00535	P	2	0206
56	265-0304-003-0000	11-003100	2667 TAFT ST	LONG ANDREW	\$900.00	CEDCNU03614	F	2	0206
57	274-0142-008-0000	10-005805	310 CLEVELAND AV	REED SUSAN E	\$900.00	CEDCNU03719	F	3	0206
58	274-0142-008-0000	10-005805	310 CLEVELAND AV	REED SUSAN E	\$3,900.00	CEDCEA00537	P	3	0206
59	274-0243-005-0000	11-008227	616 NORTHFIELD DR	HENRY MICHAEL J	\$900.00	CEDCNU03670	F	3	0206
60	277-0071-016-0000	10-013574	2310 EMPRESS ST	FATMA ADALI, DEARGAM DALI AND MAHMUD DALI	\$400.00	CEDCNU03613	F	2	0206
				TOTAL:	\$69,106.31				