



City of Sacramento City Council

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

Meeting Date: 2/7/2012

Report Type: Public Hearing

Title: Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens (Noticed on 1-17-12)

Report ID: 2012-00112

Location: Citywide

Recommendation: Conduct a public hearing and upon conclusion pass 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: Ron O'Connor, Operations Manager (916) 808-8183, Community Development Department

Presenter: Ron O'Connor, Operations Manager (916) 808-8183, Community Development Department

Department: Community Development Dept

Division: Neighborhood Code Compliance

Dept ID:

Attachments:

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

City Attorney Review

Approved as to Form
Steve Itagaki
1/26/2012 2:23:17 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
1/20/2012 2:58:15 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 1/24/2012 4:24:09 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.

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. 2012-

Adopted by the Sacramento City Council

February 7, 2012

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 \$57,063 and reasonable penalties in the aggregate amount not to exceed \$79,500 are the sums set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on November 9, and December 14, 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	007-0134-009-0000	11-008411	3532 J ST	WILMS MICHELE E	\$900.00	CEDCNU03605	F	3	0206
2	007-0143-016-0000	10-015497	1219 19TH ST	BORREGO JOSE A/ROXANA	\$4,999.99	CEDCEA00532	P	4	0206
3	007-0143-016-0000	10-015497	1219 19TH ST	BORREGO JOSE A/ROXANA	\$4,999.99	CEDCEA00533	P	4	0206
4	007-0143-016-0000	10-015497	1219 19TH ST	BORREGO JOSE A/ROXANA	\$2,000.00	CEDCEA00568	P	4	0206
5	013-0351-023-0000	11-011308	3717 9TH AV	LEWIS OLIVER JOE	\$247.47	CEDCNU03829	F	5	0206
6	014-0183-006-0000	11-014416	3038 40TH ST	LANE GORDON	\$298.95	CEDCNU03817	F	5	0206
7	014-0221-021-0000	11-013282	3343 43RD ST	GILES ESTELLE M	\$200.00	CEDCNU03813	F	5	0206
8	014-0283-014-0000	11-015557	4550 12TH AV	U S BANK	\$385.89	CEDCNU03827	F	5	0206
9	015-0113-015-0000	11-008043	4860 8TH AV	GUAJARDO LORENZO	\$900.00	CEDCNU03836	F	6	0206
10	015-0123-026-0000	09-009596	5241 9TH AV	SANCHEZ LORENZO N	\$365.32	CEDCNU02302	F	6	0206
11	018-0182-016-0000	11-010895	2385 HALDIS WY	NAKIA YOUNG AND TAMEKIA YOUNG	\$,2305.19	CEDCNU03849	F	5	0206
12	019-0172-013-0000	11-012410	2475 28TH AV	POWERS SHEILA M	\$900.00	CEDCNU03811	F	5	0206
13	020-0052-008-0000	11-014972	4008 TEMPLE AV	THATCHER ROBERT/JENNIFER ROCCO	\$298.95	CEDCNU03814	F	5	0206
14	020-0214-030-0000	11-017213	3701 21ST AV	BOSTON LOUISE (Est Of) C/O CANDY BOSTON	\$298.95	CEDCNU03818	F	5	0206
15	020-0267-006-0000	11-007461	3326 22ND AV	BRONSON DAVID	\$900.00	CEDCNU03840	F	5	0206
16	020-0272-008-0000	11-008675	3556 22ND AV	U S BK	\$900.00	CEDCNU03808	F	5	0206
17	021-0291-003-0000	11-014953	4592 58TH ST	OLDHAM RICHARD L/ETAL	\$385.89	CEDCNU03826	F	5	0206
18	021-0291-004-0000	11-014952	4670 58TH ST	WOLFE CLYDE I/M CHARLENE	\$385.89	CEDCNU03825	F	5	0206
19	022-0014-009-0000	11-017212	3491 24TH AV	LAMBSON JEFFREY C	\$385.89	CEDCNU03820	F	5	0206
20	022-0094-037-0000	11-011947	5061 36TH ST	GASTINELL RODNEY/SHERRI/JOANN	\$1,098.95	CEDCNU03853	F	5	0206
21	023-0151-021-0000	11-011612	4980 64TH ST	BANK OF NY	\$1,185.89	CEDCNU03850	F	6	0206
22	025-0173-004-0000	11-011658	3000 34TH AV	RIVERA ANNA I (Est Of)	\$1,098.95	CEDCNU03852	F	5	0206

23	048-0061-020-0000	11-013675	7466 HENRIETTA DR	MARCROFT DONALD W	\$1,394.84	CEDCNU03828	F	8	0206
24	052-0033-010-0000	11-011784	7609 22ND ST	LEE SHIRLEY M	\$900.00	CEDCNU03812	F	8	0206
25	052-0073-009-0000	11-014265	2162 FERRAN AV	SULLIVAN MICHAEL	\$900.00	CEDCNU03846	F	8	0206
26	053-0101-003-0000	11-006466	7774 SHRADER CR	BANK OF NY TRUST	\$2,070.72	CEDCNU03769	F	8	0206
27	061-0081-001-0000	C/V9907434	7920 18TH AV	MENA CARMEN/JOSE LUIS CONTRERAS	\$2,185.00	CEDCNU03733	F	6	0206
28	061-0081-001-0000	C/V9907434	7920 18TH AV	MENA CARMEN/JOSE LUIS CONTRERAS	\$1,500.00	CEDCEA00541	P	6	0206
29	061-0081-002-0000	C/V9907432	0 18TH AV	CARMEN MENA AND JOSE LUIS CONTRERAS	\$2,200.00	CEDCNU03787	F	6	0206
30	061-0081-002-0000	C/V9907432	0 18TH AV	CARMEN MENA AND JOSE LUIS CONTRERAS	\$3,500.00	CEDCEA00563	P	6	0206
31	061-0081-003-0000	C/V9907431	0 18TH AV	CARMEN MENA AND JOSE LUIS CONTRERAS	\$2,200.00	CEDCNU03734	F	6	0206
32	061-0081-003-0000	C/V9907431	0 18TH AV	CARMEN MENA AND JOSE LUIS CONTRERAS	\$1,500.00	CEDCEA00542	P	6	0206
33	061-0081-022-0000	C/V9907430	7911 MERCED AV	MENA CARMEN/JOSE LUIS CONTRERAS	\$2,200.00	CEDCNU03732	F	6	0206
34	061-0081-022-0000	C/V9907430	7911 MERCED AV	MENA CARMEN/JOSE LUIS CONTRERAS	\$1,500.00	CEDCEA00540	P	6	0206
35	061-0081-023-0000	C/V9907428	7901 MERCED AV	CARMEN MENA AND JOSE KUIS CONTRERAS	\$2,935.00	CEDCNU03786	F	6	0206
36	061-0081-023-0000	C/V9907428	7901 MERCED AV	CARMEN MENA AND JOSE KUIS CONTRERAS	\$4,500.00	CEDCEA00562	P	6	0206
37	119-0270-036-0000	11-013677	46 DECATHLON CR	KARAN RABEN P	\$298.95	CEDCNU03835	F	8	0206
38	215-0280-026-0000	07-046977	1521 MAIN AV	CHUMBER JOGINDER	\$1,186.00	CEDCNU03770	F	2	0206
39	215-0280-026-0000	07-046977	1521 MAIN AV	CHUMBER JOGINDER	\$29,999.94	CEDCEA00549	P	2	0206
40	225-0335-002-0000	11-012121	3145 PARODY WY	XIONG XUE	\$298.95	CEDCNU03815	F	3	0206
41	225-0860-017-0000	11-010912	3207 OSUNA WY	CANTON IRVING/NATALIE	\$1,626.4	CEDCNU03767	F	3	0206
42	238-0092-022-0000	11-009809	406 STILLWELL CT	N VEST N REAL ESTATE SERVICES c/o MR AND MRS JACKSON	\$1,036.52	CEDCNU03830	F	2	0206
43	250-0113-027-0000	11-016336	705 SOUTH AV	NARAYAN SABNESH/VINESHNI	\$385.89	CEDCNU03819	F	2	0206
44	250-0172-021-0000	11-011486	3431 MABEL ST	BANK OF NEW YORK	\$820.02	CEDCNU03831	F	2	0206
45	252-0131-020-0000	09-033082	1980 GRAND AV	SHAWN E. PERKINS, LARRY R. PERKINS AND GERALDINE C. PERKINS	\$1,150.00	CEDCNU03758	F	2	0206

46	252-0131-020-0000	09-033082	1980 GRAND AV	SHAWN E. PERKINS, LARRY R. PERKINS AND GERALDINE C. PERKINS	\$1,000.00	CEDCEA00547	P	2	0206
47	252-0193-017-0000	10-000900	0 SOUTH	SYCAMORE VENTURES LLC	\$1,170.00	CEDCNU03780	F	2	0206
48	252-0193-017-0000	10-000900	0 SOUTH	SYCAMORE VENTURES LLC	\$2,000.00	CEDCEA00558	P	2	0206
49	252-0203-020-0000	10-000901	0 RIPLEY	SYCAMORE VENTURES LLC	\$1,170.00	CEDCNU03772	F	2	0206
50	252-0203-020-0000	10-000901	0 RIPLEY	SYCAMORE VENTURES LLC	\$2,000.00	CEDCEA00550	P	2	0206
51	252-0221-009-0000	11-016019	1854 SOUTH AV	MALONEY EDNA E (Est Of)	\$298.95	CEDCNU03816	F	2	0206
52	252-0243-010-0000	10-000902	0 DEL PASO	SYCAMORE VENTURES LLC	\$1,170.00	CEDCNU03778	F	2	0206
53	252-0243-010-0000	10-000902	0 DEL PASO	SYCAMORE VENTURES LLC	\$2,000.00	CEDCEA00556	P	2	0206
54	252-0251-003-0000	10-000903	2228 SOUTH AV	SYCAMORE VENTURES LLC	\$1,170.00	CEDCNU03777	F	2	0206
55	252-0251-003-0000	10-000903	2228 SOUTH AV	SYCAMORE VENTURES LLC	\$2,000.00	CEDCEA00555	P	2	0206
56	252-0251-021-0000	10-000904	0 ASTORIA	SYCAMORE VENTURES LLC	\$1,170.00	CEDCNU03774	F	2	0206
57	252-0251-021-0000	10-000904	0 ASTORIA	SYCAMORE VENTURES LLC	\$2,000.00	CEDCEA00552	P	2	0206
58	252-0251-023-0000	10-000905	2224 SOUTH AV	SYCAMORE VENTURES LLC	\$1,170.00	CEDCNU03782	F	2	0206
59	252-0251-023-0000	10-000905	2224 SOUTH AV	SYCAMORE VENTURES LLC	\$2,000.00	CEDCEA00560	P	2	0206
60	252-0251-025-0000	10-000906	2224 SOUTH AV	SYCAMORE VENTURES LLC	\$1,170.00	CEDCNU03783	F	2	0206
61	252-0251-025-0000	10-000906	2224 SOUTH AV	SYCAMORE VENTURES LLC	\$2,000.00	CEDCEA00561	P	2	0206
62	252-0251-026-0000	10-000907	0 DEL PASO	SYCAMORE VENTURES LLC	\$1,170.00	CEDCNU03773	F	2	0206
63	252-0251-026-0000	10-000907	0 DEL PASO	SYCAMORE VENTURES LLC	\$2,000.00	CEDCEA00551	P	2	0206
64	252-0251-028-0000	09-003280	2224 SOUTH AV	SYCAMORE VENTURES LLC	\$1,170.00	CEDCNU03781	F	2	0206
65	252-0251-028-0000	09-003280	2224 SOUTH AV	SYCAMORE VENTURES LLC	\$2,000.00	CEDCEA00559	P	2	0206
66	252-0251-030-0000	10-000908	0 SOUTH	SYCAMORE VENTURES LLC	\$1,170.00	CEDCNU03775	F	2	0206
67	252-0251-030-0000	10-000908	0 SOUTH	SYCAMORE VENTURES LLC	\$2,000.00	CEDCEA00553	P	2	0206
68	252-0253-007-0000	10-000909	0 DEL PASO	SYCAMORE VENTURES LLC	\$1,170.00	CEDCNU03776	F	2	0206

69	252-0253-007-0000	10-000909	0 DEL PASO	SYCAMORE VENTURES LLC	\$2,000.00	CEDCEA00554	P	2	0206
70	252-0253-011-0000	10-000910	0 DEL PASO	SYCAMORE VENTURES LLC	\$1,170.00	CEDCNU03779	F	2	0206
71	252-0253-011-0000	10-000910	0 DEL PASO	SYCAMORE VENTURES LLC	\$2,000.00	CEDCEA00557	P	2	0206
72	263-0141-022-0000	11-003147	2701 OAKMONT ST	BADIE BAHRAM	\$100.00	CEDCNU03704	F	2	0206
73	263-0163-023-0000	10-022523	2651 FAIRFIELD ST	ROBERT M. ECHEVARRIA AND ISABEL C. ECHEVARRIA	\$1,000.00	CEDCNU03843	F	2	0206
74	263-0202-012-0000	11-010208	2577 BEAUMONT ST	BRAND WILLIAM H III	\$824.66	CEDCNU03832	F	2	0206
75	263-0322-001-0000	10-027905	56 FAIRBANKS AV	AMERICAN SECURITIES MTG CORPORATION	\$900.00	CEDCNU03809	F	2	0206
76	265-0040-014-0000	11-003327	3168 CALLECITA ST	GRANT GILDA	\$900.00	CEDCNU03810	F	2	0206
77	265-0081-020-0000	11-004296	1059 ACACIA AV	GONG PETE	\$900.00	CEDCNU03845	F	2	0206
78	274-0132-004-0000	11-010684	540 CLEVELAND AV	BEVERLY UPHAM FAMILY TRUST/ETAL	\$385.89	CEDCNU03842	F	3	0206
79	275-0084-023-0000	11-015003	1524 EL MONTE AV	MORTON EARL L/JAMES L/BERNICE V MATLOCK	\$482.84	CEDCNU03833	F	2	0206
				TOTAL:	\$136, 562.73				