

# RESOLUTION NO. 2012-056

Adopted by the Sacramento City Council

March 13, 2012

## RESOLUTION ORDERING JUDICIAL FORECLOSURE OF DELINQUENT SPECIAL ASSESSMENT INSTALLMENTS PURSUANT TO THE IMPROVEMENT BOND ACT OF 1915 AND SPECIAL TAXES PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982 AND MAKING RELATED AUTHORIZATIONS

### BACKGROUND

- A. The CITY OF SACRAMENTO ("City") occasionally issues bonds under the Improvement Bond Act of 1915 (Streets & Highways Code § 8500 et seq. "1915 Act") and bonds or debt under the Mello-Roos Community Facilities Act of 1982 (Government Code § 53311 et seq. "Mello-Roos Act"). Consistent with the 1915 Act and Mello-Roos Act, the City covenants to file judicial foreclosure actions to collect delinquent special assessment installments and special taxes.
- B. The City Council ("Council") has previously ordered such judicial foreclosures, authorized City administration to collect delinquencies and outside counsel under direction of the City Attorney ("Attorney") to prosecute judicial foreclosures and collect fees and costs incurred, as provided in Resolution No. 2000-182.
- C. The City Treasurer ("Treasurer") requests that the Council order judicial foreclosure and make related authorizations to collect delinquent special assessment installments and special taxes.

### BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The Council orders judicial foreclosures on assessment or special tax delinquencies, as authorized by the 1915 Act and Mello-Roos Act.
- Section 2. The Treasurer is authorized and directed to review delinquent special assessment and special taxes; record notice of intent to remove delinquencies from the County of Sacramento secured-unitary tax rolls; take steps the Treasurer determines are likely to result in collection; transmit unpaid delinquencies to the Attorney for judicial foreclosure. The Treasurer may delegate this power to Office of the Treasurer staff.
- Section 3. The Attorney is authorized to file and prosecute such judicial foreclosures, or use outside counsel, and to require payment of interest, penalties, costs, and attorney fees as a condition of prejudgment redemption, and request that the court include interest, penalties, costs, and attorney fees in any judgments.

Section 4. All acts taken under Resolution No. 2000-182 are ratified. Resolution No. 2000-182 is hereby rescinded.

Adopted by the City of Sacramento City Council on March 13, 2012 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy.

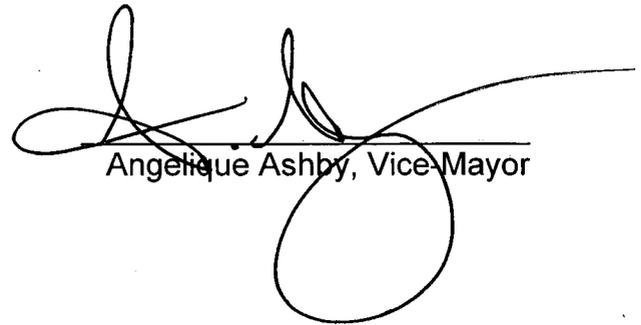
Noes: None.

Abstain: None.

Absent: Mayor Johnson.

Attest:

  
Shirley Concolino, City Clerk

  
Angelique Ashby, Vice Mayor