



City of Sacramento City Council

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

Meeting Date: 5/29/2012

Report Type: Public Hearing

Title: Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens (Noticed on 3-29-12 and 4-12-12)

Report ID: 2012-00438

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: 21001313

Attachments:

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

City Attorney Review

Approved as to Form
Steve Itagaki
5/15/2012 1:44:48 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
5/11/2012 11:51:09 AM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 5/11/2012 12:42:45 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

May 29, 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 \$55,317 and reasonable penalties in the aggregate amount not to exceed \$15,497 are the sums set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on January 25, February 22, and March 28, 2012. 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	002-0122-006-0000	10-021944	1224 E ST	GAYTAN EMILIANO	\$900.00	CEDCNU03864	F	3	0206
2	002-0122-006-0000	10-021944	1224 E ST	GAYTAN EMILIANO	\$1,500.00	CEDCEA00574	P	3	0206
3	011-0153-009-0000	11-011812	2117 55TH ST	EBENEZER BENJAMIN	\$1,570.85	CEDCNU03990	F	6	0206
4	013-0401-011-0000	11-003622	3608 37TH ST	RAMOS RAUL	\$1,461.36	CEDCNU03854	F	5	0206
5	014-0193-021-0000	11-014415	3241 44TH ST	LANE GORDON	\$1,719.94	CEDCNU03961	F	5	0206
6	014-0221-012-0000	11-014971	3400 44TH ST	THOMAS WILLIAM c/o WYMAN PLEASANT	\$1,260.82	CEDCNU03956	F	5	0206
7	014-0246-006-0000	11-009286	3532 43RD ST	RAGSDALE JAEMIN C/O DAN BEBERMEYER	\$2,121.70	CEDCNU03890	F	5	0206
8	015-0182-011-0000	11-020509	4900 10TH AV	SANDOVAL HUGO JR	\$900.00	CEDCNU03971	F	5	0206
9	015-0251-045-0000	11-017205	5017 13TH AV	WILSON JAMES M	\$1,578.36	CEDCNU03881	F	5	0206
10	022-0092-012-0000	11-004412	3515 26TH AV	ANACLETO ORTEGA	\$885.30	CEDCNU03957	F	5	0206
11	025-0042-015-0000	11-021443	5613 LA CAMPANA WY	MAR RICHARD A	\$1,721.76	CEDCNU03987	F	5	0206
12	027-0082-020-0000	11-019570	8009 33RD AV	WOODSON ARNATHER/EST OF C/O L WOODSON D BULLOC	\$298.95	CEDCNU03941	F	6	0206
13	027-0252-014-0000	11-019969	5880 79TH ST	SALINAS ADOLFO	\$298.95	CEDCNU03887	F	6	0206
14	035-0072-015-0000	11-020634	1449 COOLBRITH ST	GORMLY STEVE/CHRISTIANE H	\$1,464.99	CEDCNU03988	F	5	0206
15	035-0074-009-0000	11-020633	6125 MCLAREN AV	TURNER ARLEE	\$1,098.95	CEDCNU03986	F	5	0206
16	035-0282-008-0000	11-022121	7012 MIDDLECOFF WY	HUNTER ERICA A/FREDDIE L	\$900.00	CEDCNU03980	F	5	0206
17	035-0302-030-0000	11-017462	1621 60TH AV	BOYKIN BETTY/SAMMI	\$900.00	CEDCNU03888	F	5	0206
18	038-0043-007-0000	11-019967	6623 LEMON HILL AV	DUBOSE REMILLO T	\$900.00	CEDCNU03970	F	6	0206
19	043-0260-029-0000	11-015986	7835 TIERRA WOOD WY	DONNA K DI PIETRO	\$1,000.00	CEDCNU03942	F	6	0206
20	047-0012-020-0000	11-015372	2300 FLORIN RD	HUYNH NGA	\$900.00	CEDCNU03861	F	8	0206
21	049-0412-003-0000	11-010344	7355 MANDY DR	XIONG KAO	\$385.89	CEDCNU03878	F	8	0206
22	052-0180-053-0000	11-016133	25 CAPRICE CT	SAEVANG TUD C/TONY S LEE	\$298.95	CEDCNU03954	F	8	0206

23	061-0053-025-0000	C/V9905189	7929 18TH AV	RODRIQUEZ GUADALUPE F/SANTOS T	\$885.00	CEDCNU03865	F	6	0206
24	061-0053-025-0000	C/V9905189	7929 18TH AV	RODRIQUEZ GUADALUPE F/SANTOS T	\$1,000.00	CEDCEA00575	P	6	0206
25	061-0053-026-0000	C/V9905169	7921 18TH AV	LOPEZ JESSICA A/SALVADOR J/JOEL T RODRIGUEZ	\$1,550.00	CEDCNU03859	F	6	0206
26	061-0053-026-0000	C/V9905169	7921 18TH AV	LOPEZ JESSICA A/SALVADOR J/JOEL T RODRIGUEZ	\$1,000.00	CEDCEA00573	P	6	0206
27	062-0080-022-0000	10-022496	5851 ALDER AV	JOHN G. KOREAN AND CATHERINE N. KOREAN, RADOVICH & RADOVICH	\$1,550.00	CEDCNU03858	F	6	0206
28	119-0430-049-0000	11-021396	6 BENOIT CT	GARCIA VINCE S SR/GLORIA R	\$1,098.95	CEDCNU03985	F	7	0206
29	215-0260-007-0000	09-047725	1340 CLAIRE AV	PENSCO TRUST COMPANY CDN/ETAL	\$1,650.00	CEDCNU03975	F	2	0206
30	225-0641-018-0000	10-018290	10 LETTY CT	HAUSE TERRY ALBERT	\$2,000.00	CEDCNU04034	F	3	0206
31	225-0641-018-0000	10-018290	10 LETTY CT	HAUSE TERRY ALBERT	\$4,499.00	CEDCEA00607	P	3	0206
32	225-0731-022-0000	11-010809	22 YAHU CT	DESIMAS BRYAN	\$1,000.00	CEDCNU03953	F	1	0206
33	226-0220-005-0000	10-022193	4933 DRY CREEK RD	NEUBAUER FAMILY TRUST	\$3,154.50	CEDCNU03882	F	2	0206
34	238-0072-018-0000	11-018834	517 MACARTHUR ST	PACIFIC REAL PROPERTY INVESTMENTS LLC	\$900.00	CEDCNU03984	F	2	0206
35	250-0091-024-0000	11-014058	3728 TAYLOR ST	DESOUZA GERALDINE	\$900.00	CEDCNU03886	F	2	0206
36	250-0122-015-0000	11-019932	3500 WESTERN AV	GAMINO CESAR H	\$900.00	CEDCNU03989	F	2	0206
37	250-0351-011-0000	10-022230	37 MORRISON AV	CURRY HELEN L	\$900.00	CEDCNU03862	F	2	0206
38	251-0032-018-0000	11-000291	3912 ALDER ST	PENDERGAST LIMITED FAMILY PARTNERSHIP INCORPORATED	\$1,185.85	CEDCNU03863	F	2	0206
39	251-0043-003-0000	11-019470	3945 BALSAM ST	CASEY MONTGOMERY/DEBORAH	\$298.95	CEDCNU03884	F	2	0206
40	251-0124-016-0000	11-024021	3622 MARYSVILLE BL	MURPHY ROBERT T/VELMA D	\$900.00	CEDCNU03976	F	2	0206
41	251-0211-001-0000	10-022194	1191 LOS ROBLES BL	CHURCH BERT F	\$500.00	CEDCNU03965	F	2	0206
42	251-0282-002-0000	11-016030	3329 CYPRESS ST	DAWARI RICK/JACQUES	\$385.89	CEDCNU03950	F	2	0206
43	252-0310-037-0000	10-007269	1828 LOS ROBLES BL	JANE BUCHANAN, JANE FRANCES S.G. BUCHANAN, AS TRUSTEE OF THE JANE FRANCES S.G. BUCHANAN REVOCABLE LIVING TRUST	\$1,000.00	CEDCNU03991	F	2	0206

44	252-0310-037-0000	10-007269	1828 LOS ROBLES BL	JANE BUCHANAN, JANE FRANCES S.G. BUCHANAN, AS TRUSTEE OF THE JANE FRANCES S.G. BUCHANAN REVOCABLE LIVING TRUST	\$1,500.00	CEDCEA00594	F	2	0206
45	263-0051-020-0000	11-016033	147 ARCADE BL	KINNEY MERNA	\$821.76	CEDCNU03944	F	2	0206
46	265-0022-018-0000	10-029603	3113 EL REY WY	AARON BELL	\$4,599.29	CEDCNU04035	F	2	0206
47	265-0022-018-0000	10-029603	3113 EL REY WY	AARON BELL	\$1,000.00	CEDCEA00608	P	2	0206
48	265-0072-030-0000	09-049846	3048 RIO LINDA BL	ROBINSON ROBERT	\$1,000.00	CEDCNU03857	F	2	0206
49	265-0072-030-0000	09-049846	3048 RIO LINDA BL	ROBINSON ROBERT	\$1,500.00	CEDCEA00570	P	2	0206
50	265-0072-030-0000	09-049846	3048 RIO LINDA BL	ROBINSON ROBERT	\$2,499.00	CEDCEA00571	P	2	0206
51	265-0302-016-0000	10-025741	1029 FRIENZA AV	JONES CONSUELO M	\$1,000.00	CEDCNU03867	F	2	0206
52	265-0302-016-0000	10-025741	1029 FRIENZA AV	JONES CONSUELO M	\$2,499.00	CEDCEA00577	P	2	0206
53	265-0302-016-0000	11-023397	1029 FRIENZA AV	JONES CONSUELO M	\$900.00	CEDCNU04033	F	2	0206
54	266-0413-004-0000	11-023017	1518 FRIENZA AV	SUZANNE BROWN 2008 TRUST	\$900.00	CEDCNU03983	F	2	0206
55	275-0101-012-0000	11-010572	645 CALVADOS AV	U S BK	\$1,783.33	CEDCNU03856	F	2	0206
				TOTAL:	\$70,813.18				