



# City of Sacramento City Council

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915 I Street, Sacramento, CA, 95814  
[www.CityofSacramento.org](http://www.CityofSacramento.org)

**Meeting Date:** 7/24/2012

**Report Type:** Public Hearing

**Title:** Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens [Noticed on 6-15-12]

**Report ID:** 2012-00594

**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:**

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

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**City Attorney Review**

Approved as to Form  
Steve Itagaki  
7/11/2012 9:59:39 AM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
Russell Fehr  
7/9/2012 11:40:45 AM

**Approvals/Acknowledgements**

Department Director or Designee: Max Fernandez - 7/10/2012 10:04:30 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.

**Economic Impacts:** None.

**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.



**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

July 24, 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 \$43,128 and reasonable penalties in the aggregate amount not to exceed \$2,500 are the sums set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on April 25 and May 23, 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	010-0165-011-0000	11-012437	2208 24TH ST	CHARLEY MORIAH	\$900.00	CEDCNU04074	F	4	0206
2	011-0213-014-0000	11-018981	5030 Y ST	TURNER CHARLES L	\$900.00	CEDCNU04057	F	6	0206
3	019-0191-033-0000	11-022090	3031 29TH AV	GOODENOUGH BUFORD	\$900.00	CEDCNU04068	F	5	0206
4	020-0145-003-0000	11-027706	4221 40TH ST	BAC HOME LOANS SERVICING LP	\$1,885.60	CEDCNU04089	F	5	0206
5	020-0213-002-0000	11-016363	4401 36TH ST	STONECREST INCOME OPPORTUNITY FUND	\$298.95	CEDCNU04056	F	5	0206
6	020-0266-004-0000	11-010324	3330 21ST AV	AMINA B. AZEEZ	\$1,000.00	CEDCNU04080	F	5	0206
7	020-0266-004-0000	11-010324	3330 21ST AV	AMINA B. AZEEZ	\$500.00	CEDCEA00611	P	5	0206
8	021-0023-044-0000	11-025452	4032 50TH ST	ALLEN RHONDA L/DANTE	\$1847.54	CEDCNU04048	F	5	0206
9	027-0071-020-0000	10-023354	5660 79TH ST	VOONG ALEX P	\$900.00	CEDCNU03578	F	6	0206
10	031-0280-050-0000	11-019438	7230 LONG RIVER DR	FEDERAL NATIONAL MORTGAGE ASSOCIATION C/O RECONTRUST COMPANY	\$1,213.50	CEDCNU04095	F	7	0206
11	035-0362-005-0000	11-021777	2049 51ST AV	MADEN PAUL	\$900.00	CEDCNU04070	F	5	0206
12	036-0043-024-0000	11-021771	6201 HERMOSA ST	FURSOV VYACHESLAV	\$900.00	CEDCNU04073	F	5	0206
13	036-0155-007-0000	11-021663	6721 CARNATION AV	ROSEMOND WAYNE A/DORIS	\$900.00	CEDCNU04078	F	5	0206
14	047-0022-006-0000	11-024875	1500 FLORIN RD	GARNER SONIA	\$900.00	CEDCNU04100	F	8	0206
15	047-0154-017-0000	10-022615	2336 66TH AV	DEUTSCHE BANK	\$1,000.00	CEDCNU04081	F	8	0206
16	047-0154-017-0000	11-030461	2336 66TH AV	DEUTSCHE BANK	\$900.00	CEDCNU04102	F	8	0206
17	048-0108-007-0000	11-026818	7521 21ST ST	CHACON JESSE R/MARISSA S	\$900.00	CEDCNU04071	F	8	0206
18	048-0222-017-0000	11-022578	7522 ADDISON WY	GOLSTON REGINALD L/MARCIA D SMITH	\$4,703.70	CEDCNU04096	F	8	0206
19	049-0064-017-0000	11-022529	7586 SAN FELICE CR	TIBBETTS EDWARD L	\$385.89	CEDCNU04064	F	8	0206
20	049-0114-003-0000	11-004280	7521 LOMA VERDE WY	PAYNE GEORGE SR/TIULIPE T PAYNE/GEORGE PAYNE, JR	\$1,000.00	CEDCNU04082	F	8	0206

21	052-0220-064-0000	11-028569	1901 BONAVISTA WY	ZHOU SU JIAN	\$900.00	CEDCNU04063	F	8	0206
22	064-0020-053-0000	06-004136	6661 ASHER LN	BALDEV BOLINA/HARBINDER SINGH	\$2,781.00	CEDCNU04049	F	6	0206
23	078-0101-005-0000	11-024070	2808 GINGER CT	FOUST KIMBERLY A	\$900.00	CEDCNU04072	F	6	0206
24	117-0182-011-0000	11-018815	7825 COTTON LN	BANK OF AMERICA MERRILL LYNCH	\$1,013.84	CEDCNU04087	F	8	0206
25	117-0182-012-0000	11-018816	7809 COTTON LN	SITARAM TRUST	\$577.78	CEDCNU04088	F	8	0206
26	117-0390-006-0000	10-020050	18 PANOS CT	KEN F. SAETEURN / ALEX A. PHAN	\$1,000.00	CEDCNU04092	F	8	0206
27	117-0390-006-0000	10-020050	18 PANOS CT	KEN F. SAETEURN / ALEX A. PHAN	\$2,000.00	CEDCEA00612	P	8	0206
28	117-1380-001-0000	11-007633	7479 DAMASCAS DR	MIGALLOS IKE ANTHONY M	\$1,098.95	CEDCNU04091	F	8	0206
29	118-0260-038-0000	11-020006	7 ANACAPA CT	SINGH PYARA	\$900.00	CEDCNU03578	F	8	0206
30	119-0420-014-0000	11-012293	4096 SEA MEADOW WY	PRASAD NARENDRA	\$900.00	CEDCNU04066	F	7	0206
31	225-0860-017-0000	11-028369	3207 OSUNA WY	CANTON IRVING/NATALIE	\$900.00	CEDCNU04105	F	3	0206
32	225-1800-070-0000	11-028993	4934 KOKOMO DR	LATTIVONGSKORN KUMPOL/YUWADEE	\$900.00	CEDCNU04104	F	1	0206
33	237-0282-032-0000	11-024067	4140 FRUITA CT	FOSTER RUTH ALICE	\$900.00	CEDCNU04053	F	2	0206
34	237-0282-032-0000	11-010626	4140 FRUITA CT	FOSTER RUTH ALICE	\$900.00	CEDCNU03741	F	2	0206
35	237-0332-011-0000	11-019067	4746 BOLLENBACHER AV	BROWN ANNETTE/KEVIN	\$900.00	CEDCNU04051	F	2	0206
36	238-0072-001-0000	11-024967	226 NIMITZ ST	QS 69 CORPORATION	\$900.00	CEDCNU04065	F	2	0206
37	238-0072-001-0000	11-024967	226 NIMITZ ST	QS 69 CORPORATION	\$670.85	CEDCNU04067	F	2	0206
38	250-0063-014-0000	11-020256	581 GRAND AV	PRUITT CAROLINE A/LOU EDNA	\$385.89	CEDCNU03946	F	2	0206
39	250-0121-034-0000	11-025044	524 PATIO AV	MONTOYA SALINA Q	\$900.00	CEDCNU04106	F	3	0206
40	251-0311-011-0000	11-019939	1241 DIAMOND AV	INNERCITY ENTERPRISES LLC	\$2,464.32	CEDCNU04090	F	2	0206
41	263-0242-017-0000	11-024554	683 EL CAMINO AV	O'DONAHUE FRANK	\$900.00	CEDCNU04050	F	2	0206
				TOTAL:	\$45,627.81				