



# City of Sacramento City Council

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

**Meeting Date:** 9/11/2012

**Report Type:** Public Hearing

**Title:** Neighborhood Code Compliance Case Fees and Penalties – Findings of Fact for Special Assessment Liens (Noticed on 08-09-2012)

**Report ID:** 2012-00761

**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:**

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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  
8/27/2012 2:20:47 PM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
Russell Fehr  
8/24/2012 10:33:01 AM

**Approvals/Acknowledgements**

Department Director or Designee: Max Fernandez - 8/24/2012 12:28:02 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.

**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

September 11, 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 \$21,523 and reasonable penalties in the aggregate amount not to exceed \$1,000 are the sums set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on June 27 and July 25, 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	020-0272-008-0000	11-008675	3556 22ND AV	U S BK	\$900.00	CEDCNU03808	F	5	0206
2	027-0332-008-0000	11-030823	7724 38TH AV	RAMOS JUAN LARA	\$2,179.50	CEDCNU04185	F	6	0206
3	027-0251-027-0000	11-030301	7721 36TH AV	GERVASE G/PATRICIA P STRUCEL 1999 REVOCABLE T/ETAL	\$1,213.80	CEDCNU04174	F	6	0206
4	031-0872-019-0000	11-027658	7488 DELTA WIND DR	CHASTAIN LINDA L	\$1,247.50	CEDCNU04170	F	7	0206
5	038-0071-035-0000	11-013215	7725 LEMON HILL AV	SETSUKO HASHIGAMI	\$400.00	CEDCNU04083	F	6	0206
6	048-0185-031-0000	11-001355	2201 VALKO AV	BLANCA G BARRIENTOS-QUIROGA-LUIS QUIROGA BARRIENTOS FRANCISCO JAVIER QUIROGA-BARRIENTOS C/O BLANCA G. BARRIENTOS-QUIROGA	\$1,000.00	CEDCNU04167	F	8	0206
7	049-0142-011-0000	11-022581	2757 WOOD VIOLET WY	SOIN CHANDER M/VEENA/BAL K/URMIL	\$900.00	CEDCNU04075	F	8	0206
8	049-0440-008-0000	11-026505	22 DE FER CR	NGUYEN CHAU N	\$347.50	CEDCNU04155	F	8	0206
9	052-0141-018-0000	12-000568	7754 REENEL WY	LIN JENN DE	\$900.00	CEDCNU04175	F	8	0206
10	118-0260-038-0000	11-020006	7 ANACAPA CT	SINGH PYARA	\$385.89	CEDCNU04062	F	8	0206
11	119-0242-009-0000	11-010288	7872 WHITE TAIL WY	DAIGNEAU DALE/DONNA K	\$298.95	CEDCNU04085	F	7	0206
12	215-0280-078-0000	08-016125	1335 MAIN AV	PHILLIPS JASPER E	\$931.00	CEDCNU04165	F	2	0206
13	215-0280-078-0000	08-016125	1335 MAIN AV	PHILLIPS JASPER E	\$1,000.00	CEDCEA00639	P	2	0206
14	225-0307-011-0000	11-029742	3105 BRIDGEFORD DR	BECERRA ELVIA/MIGUEL	\$900.00	CEDCNU04176	F	3	0206
15	237-0151-006-0000	11-031457	4216 DRY CREEK RD	DAWARI RICK	\$3,760.14	CEDCNU04187	F	2	0206
16	237-0243-029-0000	11-023220	4029 MARYSVILLE BL	CASSIE MAE BOONE	\$1,000.00	CEDCNU04189	F	2	0206
17	263-0222-001-0000	11-030192	202 SANTIAGO AV	CABRERA FRANCISCO J	\$900.00	CEDCNU04177	F	2	0206
18	263-0242-018-0000	11-024431	679 EL CAMINO AV	FREEMAN DORIAN/GRACIE NELSON/STANLEY RODGERS	\$900.00	CEDCNU04152	F	2	0206
19	265-0210-038-0000	11-027663	2757 DEL PASO BL	ALBAKRI NABEEL H	\$1,958.70	CEDCNU04171	F	2	0206
20	275-0144-013-0000	11-030586	570 ARDEN WY	PARK TOWNE HOLDINGS LP	\$500.00	CEDCNU04173	F	2	0206
21	275-0162-003-0000	11-031262	977 LOCHBRAE RD	977 LOCHBRAE RD JOINT VENTURE	\$900.00	CEDCNU04172	F	2	0206
				TOTAL:	\$22,522.98				