



City of Sacramento City Council

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

Meeting Date: 11/13/2012

Report Type: Public Hearing

Title: Neighborhood Code Compliance Case Fees and Penalties - Findings of Fact for Special Assessment Liens (Noticed on 10/01/12)

Report ID: 2012-00868

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-Exhibit A

City Attorney Review

Approved as to Form
Steve Itagaki
10/30/2012 9:33:30 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
10/24/2012 8:54:05 AM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 10/25/2012 1:17:37 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

November 13, 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 \$30,656 and reasonable penalties in the aggregate amount not to exceed \$25,885 are the sums set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on August 22 and September 26, 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	020-0131-038-0000	12-000506	3724 17TH AV	CHAHAL HARDIP S	\$2,689.81	CEDCNU04191	F	5	0206
2	025-0173-017-0000	12-002956	3250 34TH AV	ROWE MARY/ROVONIA	\$900.00	CEDCNU04200	F	5	0206
3	052-0132-022-0000	12-003004	1585 71ST AV	WL HOME INVS LLC	\$900.00	CEDCNU04196	F	8	0206
4	061-0081-001-0000	C/V9907434	7920 18TH AV	MENA CARMEN/JOSE LUIS CONTRERAS	\$2,000.00	CEDCEA00647	P	6	0206
5	061-0081-002-0000	C/V9907432	0 18TH AV	CARMEN MENA AND JOSE LUIS CONTRERAS	\$4,000.00	CEDCEA00649	P	6	0206
6	061-0081-003-0000	C/V9907431	0 18TH AV	CARMEN MENA AND JOSE LUIS CONTRERAS	\$4,000.00	CEDCEA00650	P	6	0206
7	061-0081-022-0000	C/V9907430	7911 MERCED AV	MENA CARMEN/JOSE LUIS CONTRERAS	\$4,000.00	CEDCEA00646	P	6	0206
8	061-0081-023-0000	C/V9907428	7901 MERCED AV	MENA CARMEN/JOSE LUIS CONTRERAS	\$2,000.00	CEDCEA00648	P	6	0206
9	250-0063-014-0000	12-002294	581 GRAND AV	PRUITT CAROLINE A/LOU EDNA	\$1,440.16	CEDCNU04197	F	2	0206
10	265-0122-010-0000	11-010920	2969 CLAY ST	PATEL JAYANTIBAH I K	\$900.00	CEDCNU04190	F	2	0206
11	014-0122-037-0000	07-032408	2729 42ND ST	EDWARDS PATRICIA O'BRIEN	\$2,000.00	CEDCEA00667	P	5	0206
12	014-0122-037-0000	07-032408	2729 42ND ST	EDWARDS PATRICIA O'BRIEN	\$931.00	CEDCNU04284	F	5	0206
13	014-0174-016-0000	10-008108	0 MARTIN LUTHER KING JR	LYNN HIGHTOWER	\$420.00	CEDCNU02896	F	5	0206
14	014-0195-002-0000	11-029998	4408 6TH AV	WEST CLYDE E	\$900.00	CEDCNU04247	F	5	0206
15	014-0213-021-0000	12-005596	3319 SAN JOSE WY	HACKETT-KING KIMBERLEY V	\$900.00	CEDCNU04270	F	5	0206
16	019-0052-036-0000	11-030927	2454 WILMINGTON AV	SMITH JENNIFER/BERND SOLLFELNER	\$1,000.00	CEDCEA00660	P	5	0206
17	019-0052-036-0000	11-030927	2454 WILMINGTON AV	SMITH JENNIFER/BERND SOLLFELNER	\$1,153.20	CEDCNU04261	F	5	0206
18	020-0131-044-0000	11-011657	4216 38TH ST	SARASAU NEMANI	\$900.00	CEDCNU04246	F	5	0206

19	020-0216-001-0000	11-003473	3804 20TH AV	ELDORADO HOLDING CO., INC.	\$2,029.90	CEDCNU04255	F	5	0206
20	023-0252-019-0000	12-001900	5451 64TH ST	FREEDOM FINANCIAL FUNDING CORPORATION P/S PLA/ETAL	\$1,780.37	CEDCNU04253	F	6	0206
21	025-0173-004-0000	12-002959	3000 34TH AV	LYNN FRANK, CONSERVATOR OF THE ESTATE OF ANNA RIVERA	\$1,500.00	CEDCEA00661	P	5	0206
22	025-0173-004-0000	12-002959	3000 34TH AV	LYNN FRANK, CONSERVATOR OF THE ESTATE OF ANNA RIVERA	\$1,664.58	CEDCNU04262	F	5	0206
23	027-0071-039-0000	12-001035	7717 32ND AV	LANE GORDON	\$1,493.70	CEDCNU04254	F	6	0206
24	035-0111-013-0000	10-023461	6600 FREEPORT BL	MONSON PAUL E	\$240.00	CEDCNU03512	F	4	0206
25	035-0141-009-0000	12-003333	6408 ROMACK CR	RUSHTON THERESA A/RAYMOND	\$200.00	CEDCNU04276	F	5	0206
26	039-0171-046-0000	11-027452	6001 RIZA AV	RIZA INVESTMENTS LLC	\$3,111.93	CEDCNU04260	F	6	0206
27	047-0043-009-0000	11-019584	2016 FLORIN RD	DOTSON LEON	\$200.00	CEDCNU04166	F	8	0206
28	215-0280-071-0000	11-006503	4924 DRY CREEK RD	ROMANO FRANK R	\$3,105.87	CEDCNU04256	F	2	0206
29	225-0324-005-0000	10-015191	2710 ERIN DR	GARZA SHIRLEY E	\$220.00	CEDCNU03015	F	1	0206
30	225-1650-014-0000	12-004154	3531 SAN JUAN RD	RIVER CITY INVESTORS LLC	\$300.00	CEDCNU04290	F	1	0206
31	251-0242-008-0000	10-013462	3331 RIO LINDA BL	EDWIN O. AMUNEKE, TRUSTEE	\$881.25	CEDCNU03720	F	2	0206
32	251-0242-008-0000	10-013462	3331 RIO LINDA BL	EDWIN O. AMUNEKE, TRUSTEE	\$5,384.44	CEDCEA00538	P	2	0206
33	252-0214-030-0000	09-047390	1720 NOGALES ST	KEN A. ECKLER AND DIANNE E. ECKLER	\$1,000.00	CEDCNU04264	F	2	0206
34	263-0051-020-0000	12-001124	147 ARCADE BL	KINNEY MERNA	\$1,147.50	CEDCNU04252	F	2	0206
35	265-0371-004-0000	12-001164	1708 KENWOOD ST	FREITAS DANIEL/JUDITH	\$1,245.90	CEDCNU04259	F	2	0206
TOTAL					\$56,539.61				