



City of Sacramento City Council

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

Meeting Date: 1/15/2013

Report Type: Public Hearing

Title: Code Case Fees and Penalties – Findings of Fact for Special Assessment Liens

Report ID: 2013-00080

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-January 15, 2013 - Background
- 3-January 15 2013 Resolution
- 4-January 15 2013 Exhibit

City Attorney Review

Approved as to Form
Steve Itagaki
1/7/2013 2:08:17 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
1/4/2013 11:38:29 AM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 1/4/2013 3:09:19 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. 2013-

Adopted by the Sacramento City Council

January 15, 2013

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 \$41,374 and reasonable penalties in the aggregate amount not to exceed \$14,777 are the sums set forth by the appointed third-party Hearing Examiner's findings of fact of the hearings held on October 24 and November 14, 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	008-0476-009-0000	10-028727	1736 49TH ST	SALLY U MCFARLAND	\$800.00	CEDCNU03432	F	3	0206
2	010-0377-009-0000	12-001986	3445 4TH AV	DUFF GORDON J/JAMIE L	\$1,864.85	CEDCNU04349	F	5	0206
3	013-0137-004-0000	11-003672	3032 5TH AV	ROSS IRA G	\$100.00	CEDCNU03727	F	5	0206
4	013-0302-017-0000	11-016865	3824 6TH AV	GLADE PROPERTIES INCORPORATED/DORENDA HAYNES	\$885.72	CEDCNU03876	F	5	0206
5	014-0131-010-0000	11-009294	3770 4TH AV	SODERBERG STEVEN HENCKEL/DEBORAH ANN	\$900.00	CEDCNU03634	F	5	0206
6	014-0195-013-0000	12-007080	4469 7TH AV	CERVANTES MARIA E/FRANCISCO A ARMENTA	\$596.50	CEDCNU04340	F	5	0206
7	014-0195-013-0000	11-009988	4469 7TH AV	CERVANTES MARIA E/FRANCISCO A ARMENTA	\$1,355.53	CEDCNU03742	F	5	0206
8	014-0247-012-0000	11-020692	4217 12TH AV	NEWFIELD AQUILLA G	\$3,464.11	CEDCNU04044	F	5	0206
9	019-0181-028-0000	12-002889	5390 28TH ST	ESQUIVEL ADOLFO C/RENEE M	\$1,879.09	CEDCNU04348	F	5	0206
10	020-0132-010-0000	09-050358	3708 18TH AV	HERNANDEZ MARY	\$900.00	CEDCNU02679	F	5	0206
11	020-0213-002-0000	11-000850	4401 36TH ST	STONECREST INCOME/OPPORTUNITY FUND I LLC	\$1,988.06	CEDCNU03635	F	5	0206
12	020-0216-001-0000	12-008543	3804 20TH AV	ELDORADO HOLDING CO INC	\$413.50	CEDCNU04342	F	5	0206
13	020-0061-004-0000	08-091791	3912 38TH ST	AMANDA FECHNER	\$27.86	CEDCEA00283	P	5	0206
14	020-0061-004-0000	08-091791	3912 38TH ST	AMANDA FECHNER	\$52.05	CEDCNU01944	F	5	0206
15	022-0094-018-0000	11-019804	5040 MARTIN LUTHER KING BL	SOLORIO MARIA ISABEL/RICARDO RODRIGUEZ	\$385.89	CEDCNU03872	F	5	0206
16	022-0300-019-0000	11-028953	5251 MARTIN LUTHER KING BL	SHERYI LLC	\$1,993.25	CEDCNU04366	F	5	0206
17	027-0023-013-0000	11-006810	5606 61ST ST	WIDLER HAROLD WAYNE JR	\$900.00	CEDCNU03738	F	6	0206

18	027-0071-032-0000	11-011652	5661 WILKINSON ST	OSUMAH EDEKI/ESKINDER TADDESE	\$900.00	CEDCNU04041	F	6	0206
19	027-0272-005-0000	11-005608	5568 MCMAHON	FEDERAL NATIONAL MORTGAGE ASSOCIATION	\$98.95	CEDCNU03730	F	6	0206
20	030-0061-023-0000	11-008626	33 MOONLIT CR	BENSON RICHARD K/MICHELLE M ROGERS	\$900.00	CEDCNU03739	F	7	0206
21	030-0220-027-0000	11-016340	975 ASTRO CT	DAVIS FAMILY TRUST	\$900.00	CEDCNU03873	F	7	0206
22	036-0115-007-0000	11-009899	2809 51ST AV	PABLA AMANDEEP S	\$900.00	CEDCNU03740	F	5	0206
23	047-0092-012-0000	12-005735	7255 AMHERST ST	ESPARZA LEO	\$1,904.14	CEDCNU04341	F	8	0206
24	048-0103-005-0000	12-006976	1971 MATSON DR	IBIZ PROPS INCORPORATED	\$900.00	CEDCNU04291	F	8	0206
25	050-0444-005-0000	11-013448	4515 BROOKFIELD DR	LOPEZ TEODORO C	\$900.00	CEDCNU03736	F	8	0206
26	052-0032-005-0000	11-020819	7622 22ND ST	HERNANDEZ JAIME/SERGIO	\$1,808.70	CEDCNU04037	F	8	0206
27	061-0081-001-0000	C/V9907434	7920 18TH AV	MENA CARMEN/JOSE LUIS CONTRERAS	\$4,000.00	CEDCEA00649	P	6	0206
28	061-0081-002-0000	C/V9907432	0 18TH AV	MENA CARMEN/JOSE LUIS CONTRERAS	\$2,000.00	CEDCEA00647	P	6	0206
29	117-0054-007-0000	11-022695	8024 MAYBELLINE WY	WILLIAMS HAROLD ROY	\$298.95	CEDCNU04036	F	7	0206
30	226-0161-001-0000	10-000676	600 PINEDALE AV	WESLEY BURNS	\$266.68	CEDCNU03076	F	2	0206
31	250-0260-019-0000	11-013883	3241 ALTOS AV	RUTH EVERETT	\$482.84	CEDCNU03874	F	2	0206
32	251-0104-013-0000	09-002290	3705 CLAY ST	EDDIE T/MARY A BUCHANAN	\$631.00	CEDCNU01785	F	2	0206
33	251-0161-007-0000	11-010063	3521 BELDEN ST	FIRST CAPITAL MORTGAGE PROPERTIES LLC	\$900.00	CEDCNU03743	F	2	0206
34	262-0221-001-0000	09-032001	2720 AMERICAN AV	MARLER ROY R/CAROL Y DANIELS	\$6,249.00	CEDCEA00520	P	3	0206
35	262-0221-001-0000	09-032001	2720 AMERICAN AV	MARLER ROY R/CAROL Y DANIELS	\$4,893.04	CEDCNU03636	F	3	70206

36	262-0282-012-0000	10-007327	2839 BELGRADE WY	JAMES/AMELIA LONGER	\$300.33	CEDCNU02803	F	1	0206
37	262-0332-066-0000	10-029789	755 LOS LUNAS WY	BAKER EDDIE J/LAVERNE B	\$400.00	CEDCNU03519	F	3	0206
38	263-0141-043-0000	12-005087	600 LAS PALMAS AV	TOM G/BARBARA A TSENG REVOCABLE TRUST	\$900.00	CEDCNU04336	F	2	0206
39	263-0242-018-0000	12-006723	679 EL CAMINO AV	FREEMAN DORIAN/GRACIE NELSON/STANLEY RODGERS	\$900.00	CEDCNU04376	F	2	0206
40	265-0130-026-0000	12-007246	2905 MARYSVILLE BL	SHEFFIELD SHERRY L	\$900.00	CEDCNU04337	F	2	0206
41	265-0100-006-0000	11-009879	1512 SONOMA AV	KRUSE PHILLIP E/MARCELLE	\$385.89	CEDCNU03877	F	2	0206
42	274-0245-001-0000	10-027831	2300 NORTHVIEW DR	NORTHVIEW PROJECT LLC	\$2,424.54	CEDCNU03718	F	3	0206
43	274-0245-001-0000	10-027831	2300 NORTHVIEW DR	NORTHVIEW PROJECT LLC	\$2,499.99	CEDCEA00536	P	3	0206

\$56,150.46