

Meeting Date: 5/14/2013

Report Type: Public Hearing

Report ID: 2013-00237



Title: Neighborhood Code Compliance Case Fees and Penalties-Findings of Fact for Special Assessment Liens (Noticed on 3-6-13 and 4-10-13)

Location: Citywide

Issue: Collection of delinquent fees and penalties are brought before the City Council to secure the debt by making the costs a personal obligation of the respective property owners and a special assessment against the respective properties.

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

City Attorney Review

Approved as to Form
Steve Itagaki
5/1/2013 4:55:29 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
4/23/2013 9:55:04 AM

Approvals/Acknowledgements

~~Department Director or Designee:~~ Max Fernandez - 4/29/2013 11:11:28 AM



Description/Analysis

Issue: Collection of delinquent fees and penalties are brought before the City Council to secure the debt by making the expenses a personal obligation of the respective property owners and a special assessment against the properties.

Policy Considerations: Conducting the public hearing is in accordance with Section 8.04.430 of the Sacramento City Code. All property owners were afforded an opportunity to appear before the delinquency lien hearing examiner and protest the imposition of the fees and penalties.

Code Enforcement activities, including the cost recovery 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 making the amounts special assessments against the properties, allowing the fees and penalties to be collected through County property tax collections.

Financial Considerations: Special assessment 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 special assessments would be included in the approved budget.

Emerging Small Business Development (ESBD): Not applicable.



Background

Prior to the assessment of fees and penalties, each property owner was issued the appropriate legal notices, as set forth in Section 8.04.390 of the Sacramento City Code, and was afforded an opportunity to appear before the delinquency lien hearing examiner to protest or object. Subsequent to the hearing, the hearing examiner issued and mailed to the property owner its decision. 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. Section 8.04.430 of the Sacramento City Code allows the City Council to order the expenses be made both a personal obligation of the property owner and a special assessment against the property.



RESOLUTION NO. 2013-

Adopted by the Sacramento City Council

May 14, 2013

ACCEPTING NEIGHBORHOOD CODE COMPLIANCE CASE FEES AND PENALTIES – FINDINGS OF FACT FOR SPECIAL ASSESSMENTS

BACKGROUND

- A. In accordance with Sacramento City Code Chapter 8.04 Article VIII, the Community Development Department's Neighborhood Code Compliance Division prepared and filed a report of unpaid expenses incurred by the city in abating nuisances, and scheduled a hearing before the delinquency lien hearing officer to consider the report and any protests or objections thereto.
- B. Notice of the time and place of hearing was given in accordance with Section 8.04.390 of the Sacramento City Code.
- C. Upon the day and hour fixed for the hearing, the delinquency lien hearing officer heard and passed on the reports together with any such protests or objections in accordance with Section 8.04.410 of the Sacramento City Code.
- D. The decisions of the delinquency lien hearing officer were then transmitted to the objecting owners along with notice of a public hearing to be held by the City Council pursuant to Section 8.8.04.410 of the Sacramento City Code.
- E. A public hearing was held and the City Council found that the hearings before the delinquency lien hearing officer were conducted in accordance with applicable city ordinances.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. As more specifically described in Exhibit A to this Resolution, the fees in the aggregate amount not to exceed \$19,520 and reasonable penalties in the aggregate amount not to exceed \$25,400 are the sums set forth by the delinquency lien hearing officer's findings of fact of the hearings held on February 27, 2013 and March 27, 2013. 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. Such expenses incurred by the city in abating nuisances constitute personal obligations against the owners of the respective properties.
- Section 3. Pursuant to subsection E of Section 8.04.430 of the Sacramento City Code, the expenses incurred by the city in abating nuisances are also made a special assessment upon the properties at which the services were rendered.
- Section 4. Such special assessments shall be collected at the same time and in the same manner as ordinary municipal taxes, and shall be subject to the same penalties and procedures as provided for ordinary municipal taxes.

Table of Contents:

Exhibit A – List of Properties to be Specially Assessed

Exhibit A



ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	FEE AMOUNT DUE	PENALTY AMOUNT DUE	INVOICE NUMBER	C D	COUNT Y CODE
1	010-0131-018-0000	12-005530	3009 U ST	U STREET LLC C/O GERALD MATTOX	\$900.00		CEDCNU04460	4	0206
2	020-0214-031-0000	12-011933	3631 21ST AVE	ELLA MAE LOFTON	\$1,238.70		CEDCNU04465	5	0206
3	027-0292-013-0000	12-015804	5391 ORTEGA ST	CHEN FAMILY LIVING TRUST	\$900.00		CEDCNU04463	6	0206
4	027-0342-019-0000	12-014406	5990 POWER INN RD	MADRIGAL, JOSE A.	\$900.00		CEDCNU04464	6	0206
5	031-1170-006-0000	12-007033	7627 WINDBRIDGE DR	MANFRED/SHEILA COX ANGSTENBERGER REV LIV	\$900.00		CEDCNU04409	7	0206
6	035-0325-010-0000	12-011864	2151 60TH AV	CHAD NOVICK	\$1,000.00		CEDCNU04423	5	0206
7	035-0325-010-0000	12-011864	2151 60TH AV	CHAD NOVICK		\$1,000.00	CEDCEA00676	5	0206
8	036-0043-014-0000	12-016814	2527 45TH AV	JASWANT JAGUR	\$900.00		CEDCNU04427	5	0206
9	048-0034-001-0000	12-011602	7441 STELLA WY	AVILA ROBERTO ESTEBAN & TARA LYNN	\$900.00		CEDCNU04429	8	0206
10	048-0113-008-0000	12-017944	7576 21ST ST	SOIN, BAL/URMIL	\$900.00		CEDCNU04462	8	0206
11	052-0180-053-0000	12-012590	25 CAPRICE CT	SAEVANG, TUD C & LEE TONY S	\$347.50		CEDCNU04435	8	0206
12	201-1190-059-0000	12-016445	5867 DULWICH WAY	2008 GRANITE BAY LANDS FUND LP	\$900.00		CEDCNU04482	1	0206
13	251-0154-020-0000	12-007595	3532 BRANCH ST	THOR, PHENG/STEPHANIE/LUE YANG	\$1,968.36		CEDCNU04468	2	0206
14	252-0301-065-0000	10-018304	1638 LOS ROBLES BLVD	PNC BANK NATIONAL ASSN	\$1,100.00		CEDCNU04483	2	0206

Exhibit A

15	262-0212-004-0000	09-040955	550 WILSON AV	RACHEL EKINDESONE, NDILE G JNENGE	\$1,700.00		CEDCNU04436	3	0206
16	262-0212-004-0000	09-040955	550 WILSON AV	RACHEL EKINDESONE, NDILE G JNENGE		\$23,400.00	CEDCEA00678	3	0206
17	263-0216-021-0000	12-008639	141 EL CAMINO AV	JONOUBEI KEN	\$1,000.00		CEDCNU04420	2	0206
18	265-0030-024-0000	12-002137	1279 SONOMA AV	MARLENE R AVENA/DOUGLAS E DUFFIN/GERALD R DUFFIN/VERNA R DUFFIN	\$1,489.94		CEDCNU04422	2	0206
19	275-0086-007-0000	12-009859	1620 EL MONTE AVE	JUARROS TRUST	\$1,575.00		CEDCNU04490	2	0206
20	275-0086-007-0000	12-009859	1620 EL MONTE AVE	JUARROS TRUST		\$1,000.00	CEDCEA00690	2	0206
21	275-0093-007-0000	12-014976	1811 DEL PASO BLVD	HAFEEZ FAMILY 1997 REVOCABLE TRUST	\$900.00		CEDCNU04491	2	0206
Totals					\$19,519.50	\$25,400.00	GRAND TOTAL \$44,919.50		