

Meeting Date: 7/16/2013

Report Type: Public Hearing

Report ID: 2013-00511

Title: Neighborhood Code Compliance Case Fees and Penalties-Findings of Fact for Special Assessment (Published 04/29/2013 and 06/18/2013)

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 making the unpaid costs of abatement of substandard and dangerous buildings, in the amounts listed in Exhibit A, personal obligations of the respective property owners and 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 MP

City Attorney Review

Approved as to Form
Steve Itagaki
7/8/2013 2:20:46 PM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
6/27/2013 5:27:55 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 7/1/2013 3:51:49 PM

Description/Analysis

Policy Considerations: Conducting the public hearing is in accordance with Section 8.96.360 of the Sacramento City Code. All property owners were afforded an opportunity to appear before the Housing Code Advisory and Appeals Board (HCAAB) 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 Code 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

July 16, 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 \$36,430 and reasonable penalties in the aggregate amount not to exceed \$7,500 are the sums set forth by the delinquency lien hearing officer's findings of fact of the hearings held on April 24, 2013 and May 22, 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	CD	COUNTY CODE
1	009-0123-002-0000	12-016810	800 U STREET	CHURCH OF EPIPHANY/COVENANT	\$900.00		CEDCNU04515	4	0206
2	010-0255-005-0000	12-016019	3130 X STREET	MELVIN J. SONYA ALLEN SMITH	\$347.50		CEDCNU04585	5	0206
3	010-0377-009-0000	12-014345	3445 4TH AVE	GORDON J. & JAIME L. DUFF	\$1,066.67		CEDCNU04580	5	0206
4	010-0382-001-0000	12-017740	3503 BROADWAY	NAZIR FAMILY TRUST	\$900.00		CEDCNU04505	5	0206
5	013-0302-025-0000	12-002327	3817 7TH AVE	AUNDRE SPECIALE	\$1,523.70		CEDCNU04591	5	0206
6	013-0351-009-0000	12-012627	3764 7TH AVE	KIRAN RAWAT	\$900.00		CEDCNU04570	5	0206
7	014-0251-049-0000	12-012620	3525 44TH STREET	TRENT S. LEVINSON	\$1,515.61		CEDCNU04514	5	0206
8	019-0096-002-0000	12-014396	4460 POW WAY	RABARA O. & JOESTON O. CONSOLACION	\$900.00		CEDCNU04576	5	0206
9	019-0181-032-0000	11-020653	2737 29TH AVE	ZEDOLION & BETTY MILTON	\$6,785.91		CEDCNU04593	5	0206
10	020-0042-012-0000	12-015277	4024 32ND STREET	CASEY FAMILY TRUST	\$800.00		CEDCNU04501	5	0206
11	020-0112-048-0000	12-012033	4175 32ND STREET	HARBANS S. DHILLON	\$900.00		CEDCNU04502	5	0206
12	020-0131-038-0000	12-019837	3724 17TH AVE	BIGTIME BASKETBALL ACADEMY INC.	\$1,365.78		CEDCNU04589	5	0206
13	022-0023-019-0000	12-006109	3815 23RD AVE	LOUIS W. & LOLA ADAMS	\$900.00		CEDCNU04568	5	0206
14	023-0292-010-0000	12-011075	5550 PRISCILLA LN	BIGTIME BASKETBALL ACADEMY INC.	\$100.00		CEDCNU04496	6	0206
15	025-0173-004-0000	12-017422	3000 34TH AVE	ANNA I RIVERA (EST OF) C/O LYNN FRANK	\$1,463.82		CEDCNU04594	5	0206
16	025-0173-004-0000	12-017422	3000 34TH AVE	ANNA I RIVERA (EST OF) C/O LYNN FRANK		\$1,500.00	CEDCEA00697	5	0206
17	027-0023-013-0000	12-010810	5606 61ST STREET	HAROLD WAYNE WIDLER	\$1,113.50		CEDCNU04513	6	0206

Exhibit A

18	036-0133-005-0000	12-016308	6644 30TH STREET	MARIO WOODS	\$900.00		CEDCNU04500	5	0206
19	040-0133-008-0000	12-016133	7608 BELLINI WAY	WILLIE GAINES & SHEILA JASPER	\$1,213.50		CEDCNU04588	6	0206
20	040-0144-027-0000	12-007423	6771 75TH STREET	RANDOLPH MAE	\$469.00		CEDCNU04493	6	0206
21	041-0025-004-0000	12-018354	2837 TOY AVE	SARRA & PETR BEDRIK MUCHINA	\$900.00		CEDCNU04574	5	0206
22	047-0021-006-0000	12-013719	7220 AMHERST STREET	RICARDO & PROADO-PEREZ, VERONICA VELAZQUEZ		\$1,000.00	CEDCEA00692	8	0206
23	047-0021-006-0000	12-013719	7220 AMHERST STREET	RICARDO & PROADO-PEREZ, VERONICA VELAZQUEZ	\$1,000.00		CEDCNU04510	8	0206
24	053-0143-011-0000	12-010526	7922 ALBION WAY	SOR VANG	\$1,313.50		CEDCNU04506	7	0206
25	079-0035-001-0000	12-007778	8334 LA RIVIERA DR	MARY ANN HERNANDEZ	\$100.00		CEDCNU04494	6	0206
26	117-0950-003-0000	12-010570	8678 SUNNYBRAE DR	LIN KEN/MIN JIN	\$900.00		CEDCNU04599	8	0206
27	225-1690-018-0000	12-019162	15 MAZUELA COURT	ANTOINE FEHER	\$900.00		CEDCNU04517	1	0206
28	250-0101-006-0000	12-015329	441 KESNER AVE	ADAM & TERRY LAVALLEY	\$900.00		CEDCNU04564	2	0206
29	252-0301-065-0000	10-018304	1638 LOS ROBLES BLVD	PNC BANK NATIONAL ASSN	\$485.44		CEDCNU04492	2	0206
30	252-0301-065-0000	10-018304	1638 LOS ROBLES BLVD	PNC BANK NATIONAL ASSN		\$5,000.00	CEDCEA00689	2	0206
31	263-0051-020-0000	12-013757	147 ARCADE BLVD	MERNA KINNEY	\$2,165.10		CEDCNU04595	2	0206
32	263-0104-020-0000	12-020265	785 LAS PALMAS AVE	LENARD C RANDOLPH	\$900.00		CEDCNU04578	2	0206
33	263-0132-044-0000	12-011270	2730 FORREST ST	MICHAEL E/DORTHEA N BETT	\$1,000.00		CEDCNU04598	2	0206
34	265-0210-038-0000	12-017826	2757 DEL PASO BLVD	NABEEL H. ALBAKRI	\$900.00		CEDCNU04582	2	0206

Exhibit A

35	266-0203-018-0000	12-018369	1811 IRIS AVE	BANK OF NEW YORK MELLON/TR C/O RECONTRUST COMPANY	\$900.00		CEDCNU04499	2	0206
Totals					\$36,429.03	\$7,500.00	GRAND TOTAL \$43,929.03		