

**Meeting Date:** 9/17/2013

**Report Type:** Public Hearing

**Report ID:** 2013-00684

**Title: Neighborhood Code Compliance Case Fees and Penalties-Findings of Fact for Special Assessment**

**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:** 1) Conduct a public hearing, and upon conclusion, 2) pass a Resolution making the unpaid expenses incurred by the city in abating nuisances, 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-Resolution

3-Exhibit A

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**City Attorney Review**

Approved as to Form  
Steve Itagaki  
9/4/2013 8:54:04 AM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
John Colville  
8/27/2013 10:39:10 AM

**Approvals/Acknowledgements**

Department Director or Designee: Max Fernandez - 8/31/2013 11:53:51 AM

## Description/Analysis

**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.

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.

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.

## RESOLUTION NO. 2013-

Adopted by the Sacramento City Council

September 17, 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 \$16,418 and reasonable penalties in the aggregate amount not to exceed \$4,000 are the sums set forth by the delinquency lien hearing officer's findings of fact of the hearings held on June 26, 2013, and July 24, 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	014-0085-046-0000	12-030318	2624 STOCKTON BLVD	STOCKTON BLVD. PARTNERS, LLC	\$900		CEDCNU04653	5	0206
2	014-0211-005-0000	12-012728	3362 SANTA CRUZ WAY	HAYLEY GREG L./GREG L. HAYLEY TRUST	\$857.20		CEDCNU04661	5	0206
3	018-0044-001-0000	12-007851	4301 22ND STREET	MICHAEL S WEATHERALL & CORY C BRANNON	\$1,000		CEDCNU04587	5	0206
4	019-0043-020-0000	11-020933	2921 WILMINGTON AVE	ROBERTO O. PATTERSON/ALEX J SAUCEDO	\$1,000		CEDCNU04611	5	0206
5	020-0213-002-0000	12-008649	4401 36TH STREET	STONECREST INCOME/OPPORTUNITY FUND	\$662.50		CEDCNU04647	5	0206
6	020-0266-004-0000	11-010324	3330 21ST AVENUE	AZEEZ, AMINA B.		\$2,500	CEDCEA00702	5	0206
7	022-0023-019-0000	12-027746	3815 23RD AVE	ADAMS, LOUIS W. & LOLA	\$900		CEDCNU04657	5	0206
8	035-0041-019-0000	12-010335	1431 DICKSON ST	DORRIS LINDSAY	\$1,147.50		CEDCNU04660	5	0206
9	117-0220-039-0000	12-011686	8706 W STOCKTON BLVD	SLC SHELDON LLC	\$900		CEDCNU04602	8	0206
10	117-0630-002-0000	12-018949	6631 NARROWGUAGE WAY	FLANAGAN, DE IVORY & PAUL	\$900		CEDCNU04645	7	0206
11	119-0480-004-0000	12-010237	8012 DEER WATER DR	CADAING EPHRAIM L/DOMANN L	\$900		CEDCNU04603	7	0206
12	250-0352-007-0000	12-010601	30 MORRISON AVE	S/K INVESTMENTS GROUP, LLC		\$1,500	CEDCEA00700	2	0206
13	250-0352-007-0000	12-010601	30 MORRISON AVE	S/K INVESTMENTS GROUP, LLC	\$4,550		CEDCNU04616	2	0206
14	251-0183-002-0000	12-028271	1440 NOGALES ST	WELLS FARGO BANK	\$900		CEDCNU04659	2	0206

**Exhibit A**

<b>15</b>	251-0330-039-0000	13-000275	1615 ARCADE BLVD	JBWC PROPERTIES CA LLC	\$900		CEDCNU04652	2	0206
<b>16</b>	265-0302-016-0000	13-001230	1029 FRIENZA AVE	CONSUELO M. JONES	\$900		CEDCNU04651	2	0206
<b>Totals</b>					<b>\$16,417.20</b>	<b>\$4,000.00</b>	<b>GRAND TOTAL \$20,417.20</b>		