

**Meeting Date:** 10/8/2013

**Report Type:** Consent

**Report ID:** 2013-00720

**Title: (Pass for Publication) Ordinance Related to the Collection of Administrative Penalties by Special Assessment**

**Location:** Citywide

**Issue:** The City's procedure related to the Community Development Department's collection administrative penalties by special assessment currently requires review by the Utilities Department. This process can be streamlined by amending the Sacramento City Code to allow property-based nuisance violations to be processed by the Community Development Department.

**Recommendation:** 1) Review an Ordinance amending Sacramento City Code section 1.28.010 requiring the City to follow the procedure used to specially assess costs of abating public nuisances in order to specially assess unpaid administrative penalties; and 2) pass for publication the ordinance title as required by Sacramento City Charter 32(c) to be adopted October 15, 2013.

**Contact:** Tina Lee-Vogt, Program Manager, (916) 808-2679, Community Development Department

**Presenter:** None

**Department:** Community Development Dept

**Division:** Neighborhood Code Compliance

**Dept ID:** 21001313

**Attachments:**

1-Description/Analysis

2-Administrative Penalties Ordinance Clean

3-Administrative Penalties Ordinance Redline

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**City Attorney Review**

Approved as to Form  
Steve Itagaki  
9/25/2013 5:39:59 PM

**City Treasurer Review**

Reviewed for Impact on Cash and Debt  
John Colville  
9/13/2013 8:24:02 AM

**Approvals/Acknowledgements**

Department Director or Designee: Max Fernandez - 9/23/2013 12:22:12 PM

## Description/Analysis

**Issue Detail:** Currently, administrative penalties are primarily issued through the Community Development Department. However, in order to collect the administrative penalties by special assessment, the Sacramento City Code currently requires the City to follow a procedure to assess delinquent utility billings that requires the Director of Utilities to review objections and issue responses prior to a hearing regardless of the department issuing the penalty.

It is requested that City Council review and pass for publication the proposed ordinance amending Sacramento City Code section 1.28.010 to change the procedure from assessing delinquent utility billings to assessing costs of abating public nuisances in order to specially assess unpaid administrative penalties as required by Sacramento City Charter 32c. This is a more appropriate method to process and collect fees and penalties for property based nuisance violations through the associated department.

**Policy Considerations:** The purpose of this amendment is to enhance processing of special assessments to recover administrative penalties and costs of abating public nuisances. This will increase the efficiency of the collection process.

**Economic Impacts:** None.

**Environmental Considerations:** This project is exempt from the California Environmental Quality Act (CEQA) because it does not have the potential for causing a significant effect on the environment. (CEQA Guidelines §15061(b)(3).)

**Sustainability:** There are no sustainability considerations applicable to amending City Code relating to administrative penalties.

**Commission/Committee Action:** On August 20, 2013, the Law and Legislation Committee approved and forwarded the proposed ordinance to City Council for adoption.

**Rationale for Recommendation:** This ordinance amendment will enable the Community Development Department to increase the efficiency with which to evaluate and collect any special assessment fees or penalties. It will also relieve the Director of Utilities from having to review these matters that have nothing to do with the operation of the Utilities Department, and re-direct the process more appropriately through the department that is primarily involved.

**Financial Considerations:** This ordinance will increase the efficiency of the Community Development Department's collection of administrative penalties by re-directing the special assessments through a procedure that is familiar and that the department is currently using to specially assess other fees and costs.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased under this report.

**ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

**AN ORDINANCE AMENDING SECTION 1.28.010 OF  
THE SACRAMENTO CITY CODE RELATING TO  
ADMINISTRATIVE PENALTIES**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

A. Subsection D.4.g.v of section 1.28.010 of the Sacramento City Code is amended to read as follows:

v. Special Assessments. The amount of the unpaid administrative penalty, plus interest, plus any other costs as provided in this section, may be made a special assessment against the real property on which the violation occurred. The procedure established by the city council to specially assess costs of abating public nuisances set forth in Article VIII of Chapter 8.04 shall be used to specially assess unpaid administrative penalties.

B. Except as specifically amended in subsection A, above, all other provisions of section 1.28.010 remain unchanged and in full force and effect.

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B. Except as specifically amended in subsection A, above, all other provisions of section 1.28.010 remain unchanged and in full force and effect.