

Meeting Date: 11/5/2013

Report Type: Public Hearing

Report ID: 2013-00817

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: Conduct a public hearing and upon conclusion 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

City Attorney Review

Approved as to Form
Michael Benner
10/22/2013 9:57:14 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
10/16/2013 12:20:54 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 10/17/2013 11:22:05 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

November 05, 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 \$10,262 and reasonable penalties in the aggregate amount not to exceed \$5,000 are the sums set forth by the delinquency lien hearing officer's findings of fact of the hearings held on August 28, 2013, and September 25, 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	020-0206-011-0000	13-005731	3409 21ST AVE	ROSENQUIST GRANT	\$900		CEDCNU04700	5	0206
2	048-0185-031-0000	12-029384	2201 VALKO AVE	BARRIENTOS QUIROGA, FRANCISCO JAVIER/LUIS	\$900		CEDCNU04674	8	0206
3	061-0053-025-0000	12-020252	7929 18TH AVE	RODRIGUEZ, GUADALUPE F & RODRIGUEZ, SANTOS T	\$300		CEDCNU04610	6	0206
4	061-0053-026-0000	12-020250	7921 18TH AVE	LOPEZ, JESSICA A/SALVADOR J & RODRIGUEZ, JOEL T	\$900		CEDCNU04609	6	0206
5	061-0053-027-0000	12-018960	7901 18TH AVE	RODRIGUEZ, JOEL	\$300		CEDCNU04608	6	0206
6	079-0035-001-0000	13-005442	8334 LA RIVIERA DRIVE	MARY ANN L. HERNANDEZ/JUN C. HERNANDEZ	\$1,537.20		CEDCNU04701	6	0206
7	117-0890-051-0000	10-028631	8675 CULPEPPER DR	TOLEDO GILBERT JR	\$180		CEDCNU03411	8	0206
8	118-0042-016-0000	12-008323	47 TILLMAN CIRCLE	LEE LAWRENCE ANTHONY	\$100		CEDCNU04658	8	0206
9	225-0810-083-0000	13-006063	3080 AZEVEDO DR	WILLIAMS, LEE E	\$1,549.60		CEDCNU04695	3	0206
10	252-0301-065-0000	10-018304	1638 LOS ROBLES	PNC BANK NATIONAL ASSN		\$5,000	CEDCEA00689	2	0206
11	265-0303-054-0000	12-019109	2625 SELMA ST	SHEA, OLGA I	\$200		CEDCNU04655	2	0206
12	266-0321-007-0000	12-017388	2645 PLOVER STREET	DAMITZ, DENNIS DARREL	\$1,000		CEDCNU04662	2	0206
13	277-0072-023-0000	13-003455	2382 BOXWOOD STREET	TURN KEY ASSET	\$2,394.92		CEDCNU04668	2	0206
Totals					\$10,261.72	\$5,000.00	GRAND TOTAL \$15,261.72		