

Meeting Date: 1/14/2014

Report Type: Public Hearing

Report ID: 2014-00034

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
1/6/2014 11:05:24 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
John Colville
12/26/2013 3:04:37 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 12/27/2013 11:26:33 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.

Local Business Enterprise (LBE): Not applicable.

RESOLUTION NO. 2014-

Adopted by the Sacramento City Council

January 14, 2014

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 \$26,112 and reasonable penalties in the aggregate amount not to exceed \$2,019 are the sums set forth by the delinquency lien hearing officer's findings of fact of the hearings held on October 23, 2013, and November 11, 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	006-0124-010-0000	11-015924	1601 L ST	PAYNE PARTNERSHIP LP/AWR LAND PARTNERSHIP	\$919		CEDCNU04778	4	0206
2	007-0113-026-0000	11-021234	2812 J ST	BVPG VENTURES LLC	\$919		CEDCNU04796	4	0206
3	009-0085-012-0000	11-005186	1423 S ST	BAHMAN NAZERI	\$819		CEDCNU04777	4	0206
4	010-0314-007-0000	12-020270	2500 35TH ST	ANWER A. SIDDIQUI	\$919		CEDCNU04704	5	0206
5	014-0185-027-0000	11-019710	3219 SANTA CRUZ WY	HEBERT JOHNN E JR/EST OF	\$270		CEDCNU03981	5	0206
6	017-0243-026-0000	13-006512	1511 FRUITRIDGE RD	DARE LAURA E/ TOM D FENG	\$919		CEDCNU04706	4	0206
7	020-0216-001-0000	12-019918	3804 20TH AVE	ELDORADO HOLDING CO, INC.	\$919		CEDCNU04727	5	0206
8	021-0092-032-0000	13-002176	3913 73RD ST	DOROTHY MIKO	\$919		CEDCNU04707	6	0206
9	022-0063-004-0000	13-009006	4960 MCGLASHAN ST	DORIS KIRCHNER	\$919		CEDCNU04780	5	0206
10	023-0184-005-0000	13-009480	5020 76TH ST	DENNIS AND MY-DREAM HORSLEY	\$637.45		CEDCNU04788	6	0206
11	025-0092-013-0000	13-010139	3190 32ND AVE	SINGH, SUSHILA/RAJESH/RAVINA/DHIREN	\$919		CEDCNU04791	5	0206
12	025-0223-017-0000	13-009720	3060 38TH AVE	KISHORE JATTAN AND ARUNA DEVI	\$919		CEDCNU04786	5	0206
13	035-0074-009-0000	13-005635	6125 MCLAREN AVE	ARLEE TURNER	\$1,851.45		CEDCNU04721	5	0206
14	035-0085-006-0000	13-005636	6131 MCLAREN AVE	CRUZ FAMILY TRUST	\$919		CEDCNU04709	5	0206
15	035-0141-010-0000	13-011647	6404 ROMACK CIR	HENDRICKS, RAYMOND/SCHERRI	\$919		CEDCNU04795	5	0206
16	035-0233-014-0000	13-009234	2100 53RD AVE	WILLIAMS FAMILY TRUST	\$919		CEDCNU04708	5	0206

Exhibit A

17	043-0254-010-0000	13-011385	8010 TIERRA WOOD WY	DEWAYNE L. TOWNES	\$610.65		CEDCNU04794	6	0206
18	048-0185-031-0000	12-029384	2201 VALKO AVE	BARRIENTOS QUIROGA, FRANCISCO JAVIER/LUIS		\$2,019	CEDCEA00719	8	0206
19	078-0166-032-0000	13-007121	8601 EVERGLADE DR	JOON H LEE	\$919		CEDCNU04719	6	0206
20	119-0300-083-0000	12-015741	7950 LA CORUNA DR	LACY JAMES	\$919		CEDCNU04741	7	0206
21	119-0390-013-0000	13-005532	4175 EQUINOX WY	FREDA COOKSIE	\$1,019		CEDCNU04781	7	0206
22	225-0561-018-0000	13-003981	1239 TRAIL END WY	ROXANNE MEIER FONTES	\$919		CEDCNU04705	3	0206
23	237-0213-012-0000	08-003364	1172 O'DONNELL AVE	NADEZHDA OGIYEVICH	\$436.16		CEDCNU00620	2	0206
24	250-0200-045-0000	12-012946	3489 TAYLOR ST	GOOD SAMARITAN CHURCH JESUS CHRIST	\$1,569		CEDCNU04710	2	0206
25	251-0124-017-0000	13-002703	3626 MARYSVILLE BLVD	R/D MADRONA 2008 FAMILY TRUST	\$919		CEDCNU04739	2	0206
26	251-0124-018-0000	13-002701	3630 MARYSVILLE BLVD	FILEMON D. ONG	\$419		CEDCNU04740	2	0206
27	262-0195-003-0000	12-014135	2725 NORMINGTON DR	CARL HUFFSTUTLER	\$919		CEDCNU04712	3	0206
28	263-0103-026-0000	13-008824	673 BELASCO AVE	JFDS PROPERTIES LLC	\$919		CEDCNU04714	2	0206
29	265-0241-021-0000	13-006958	825 LAMPASAS AVE	RAJESH, MEHTA J./JAGVINDAS/PARAVATIBEN	\$919		CEDCNU04713	2	0206
30	266-0272-032-0000	12-006031	2750 CROSBY WY	KIRAN RAWAT	\$1,019		CEDCNU04736	2	0206

Exhibit A

Totals	\$26,111.71	\$2,019	GRAND TOTAL \$28,130.71
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