

**Meeting Date:** 3/11/2014

**Report Type:** Public Hearing

**Report ID:** 2014-00146

**Title: Neighborhood Code Compliance Case Fees and Penalties-Findings of Fact for Special Assessment (Noticed 12/27/2013 and 01/17/2014)**

**Location:** Citywide

**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 (Report of the Department Director)

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### **City Attorney Review**

Approved as to Form

Michael Benner

2/24/2014 11:19:04 AM

### **Approvals/Acknowledgements**

Department Director or Designee: Max Fernandez - 2/20/2014 9:06:47 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 officer and protest or object to the imposition of the charge for abatement, or the amount of the unpaid administrative penalty.

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 officer to protest or object. Subsequent to the hearing, the hearing officer 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 officer 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

March 11, 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/or unpaid administrative penalties, 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 report of the department head was transmitted to the City Clerk, along with any revisions, corrections, or modifications to the report that the delinquency lien hearing officer deemed just. The City Clerk sent the results of the hearing to the objecting owners along with notice of a public hearing to be held by the City Council pursuant to Section 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 – Report of the Department Head to this Resolution, the fees in the aggregate amount not to exceed \$22,611.86 and reasonable penalties in the aggregate amount not to exceed \$19,332 are the sums set forth by the department head, along with any revisions, corrections, or modifications to the report that the delinquency lien hearing officer deemed just. 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 and penalties imposed for violating the Sacramento City Code 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 and penalties imposed for violating the Sacramento City Code 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 – Report of the Department Head

### Exhibit A – Report of the Department Head

ITEM NO.	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	FEE AMOUNT DUE	PENALTY AMOUNT DUE	INVOICE NUMBER	CD	COUNTY CODE
1	007-0015-004-0000	12-002537	815 20TH STREET	BONFARE MARKETS, INC.	\$669		CEDCNU04802	4	0206
2	007-0015-004-0000	12-002537	815 20TH STREET	BONFARE MARKETS, INC.		\$2,019	CEDCEA00723	4	0206
3	007-0113-026-0000	11-021234	2812 J STREET	BVPG VENTURES LLC		\$2,519	CEDCZA00002	4	0206
4	007-0113-026-0000	11-021234	2812 J STREET	BVPG VENTURES LLC	\$669		CEDCZO00003	4	0206
5	014-0092-003-0000	12-011042	3724 3RD AVENUE	HELEN J. KING	\$1,019		CEDCNU04806	5	0206
6	014-0092-003-0000	12-011042	3724 3RD AVENUE	HELEN J. KING		\$5,518	CEDCEA00724	5	0206
7	015-0293-004-0000	13-006484	3830 65TH STREET AKA 3828	MARY L. WORTH	\$919		CEDCNU04804	6	0206
8	020-0206-011-0000	13-005731	3409 21ST AVENUE	GRANT ROSENQUIST		\$319	CEDCZA00001	5	0206
9	035-0241-012-0000	13-012937	2171 54TH AVENUE	TRENTON CHAN/YOSHIE IMANAKA	\$638.20		CEDCNU04808	5	0206
10	040-0216-029-0000	13-010179	7061 53RD AVENUE	KARYN SHANKS	\$919		CEDCNU04810	6	0206
11	049-0440-002-0000	11-026506	7278 MUNSON WAY	PRAKASH NARAYAN & KUSUM NARAYAN		\$2,519	CEDCEA00725	8	0206
12	049-0440-002-0000	11-026506	7278 MUNSON WAY	PRAKASH NARAYAN & KUSUM NARAYAN	\$1,119		CEDCNU04809	8	0206
13	062-0070-002-0000	13-011913	5917 FLORIN PERKINS ROAD	DO TRINH FAMILY REVOCABLE LIVING TRUST	\$119		CEDCZO00002	6	0206
14	062-0070-003, 002	12-014330	8511 THYS COURT	DO TRINH FAMILY REVOCABLE TRUST		\$1,519	CEDCZA00003	6	0206
15	062-0070-003,002	12-014330	8511 THYS COURT	DO TRINH FAMILY REVOCABLE LIVING TRUST	\$919		CEDCZO00001	6	0206

**Exhibit A – Report of the Department Head**

16	251-0191-017-0000	13-011185	3401 RIO LINDA BLVD	ELTON YI & CHU CHEN & CHAU GOON	\$919		CEDCNU04812	2	0206
17	262-0212-004-0000	09-040955	550 WILSON AVENUE	RACHEL EKINDESONE, NDILE G. JNENGE		\$4,919	CEDCEA00729	3	0206
18	262-0212-004-0000	09-040955	550 WILSON AVENUE	RACHEL EKINDESONE, NDILE G. JNENGE	\$11,845.66		CEDCNU04840	3	0206
19	263-0061-007-0000	13-005962	217 ARCADE BLVD	SCHMITZ FAMILY TRUST	\$1,019		CEDCNU04839	2	0206
20	265-0052-007-0000	13-011697	1539 STRADER AVENUE	SADIE M. CHESS	\$919		CEDCNU04814	2	0206
21	265-0210-038-0000	13-002854	2757 DEL PASO BLVD	NABEEL H. ALBAKRI	\$919		CEDCNU04813	2	0206
<b>Totals</b>					<b>\$22,611.86</b>	<b>\$19,332</b>	<b>GRAND TOTAL \$41,943.86</b>		