

Meeting Date: 7/21/2015

Report Type: Public Hearing

Report ID: 2015-00326

Title: Delinquent Charges: Special Assessment and Liens for Weed Abatement on Private Property and Related Costs (No Noticing Required)

Location: Citywide

Recommendation: Conduct a public hearing and upon conclusion, pass a Resolution confirming the special assessments and placing a lien on the listed properties listed in Exhibit A for unpaid weed abatement services.

Contact: Brad Wasson, Revenue Manager, (916) 808-5844, Department of Finance

Presenter: Brad Wasson, Revenue Manager, (916) 808-5844, Department of Finance

Department: Finance

Division: Enforcement And Collection

Dept ID: 06001241

Attachments:

1-Description/Analysis

2-Attachment 1 Lien Summary

3-Resolution

4-Exhibit A

City Attorney Review

Approved as to Form

Steve Itagaki

7/14/2015 4:27:05 PM

Approvals/Acknowledgements

Department Director or Designee: Leyne Milstein - 7/8/2015 11:16:16 AM

Description/Analysis

Issue Detail: Section 8.28.040 of the City Code states that costs for weed and rubbish abatement shall be assessed against the parcel as a lien or made a personal obligation of the owner, and may be made a special assessment as set forth in chapter 8.04. Section 8.28.030 requires the City to include an administrative charge to cover incidental expenses, costs incurred in the preparation of notices, specifications and contracts, inspecting the work, as well as the costs of printing and mailing of notices. This public hearing is for the City Council to confirm, reject, or modify the delinquency lien hearing officer's report and to order that the costs of abatement be assessed as a lien and be made a special assessment against properties with unpaid charges. This is the final step the City takes before placing liens on the property with the Sacramento County Auditor/Controller.

Policy Considerations: Property owners have received notice and the opportunity to protest these charges, including a hearing with a Delinquency Lien Hearing Officer (Attachment 2). (SCC §§ 8.04.390-8.04.410.) City Code requires the City Council to conduct a public hearing at which it shall confirm, reject, or modify the delinquency lien hearing officer's report, thus providing property owners with an opportunity to address the City Council. (SCC § 8.04.430.) Should any property owner object to the special assessment, the public hearing shall be limited to the issue of whether or not the hearing before the delinquency lien hearing officer was conducted in accordance with applicable City ordinances. (SCC 8.04.430.) The City Council is not required to hear the objections of any property owner who did not previously object or protest and appear before the delinquency lien hearing officer. (SCC § 8.04.430.)

Economic Impacts: None.

Environmental Considerations: This action is not a project subject to CEQA because it concerns continuing administrative and fiscal activities that do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. (CEQA Guidelines sections 15378(b)(2), 15378(b)(4).)

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: The City has been utilizing a Delinquency Lien Hearing Officer to hear protests of liens and special assessments for delinquent charges since 1996. The delinquent charges owing, and the properties to which such charges apply, are set forth in Exhibit A to the Resolution. As required under applicable provisions of the City Code and/or state law, all property owners were noticed of the unpaid and/or delinquent costs, were given an opportunity to resolve the issue with City staff, and were given an opportunity for a hearing before a Delinquency Lien Hearing Officer if they so requested. There were no protests or objections filed regarding the weed abatement reports. Attachment 1 is a summary listing of the number and total amount of unpaid costs.

These special assessments are for services the City has already provided to the property owners. The property owners were given ample opportunity to abate the weeds themselves, but did not do so. Consequently, the City has paid for these services and must recover the costs incurred.

Financial Considerations: The unpaid costs incurred by the City for weed abatement services provided are \$14,802.50 (Attachment 1).

City staff time was required to prepare the notices to property owners. These costs are included in the Revenue Division's operating budget and no additional funding is requested or required.

Local Business Enterprise (LBE): Not applicable.

FY2014/15 Annual Special Assessments and Lien Summary – Weed Abatement

Attachment 1

No. of Notices Mailed	Total Amount Due - All Notices	No. Accts. Paid In Full	No. Accounts removed for Payment Plan or other reason	No. Accounts removed for other collection action (NON-LIENABLE)	No. of Protests Received	No. of Protests converted to payment plans	No. of Protests removed from Lien	No. of Protests Fees Reduced	No. of Hearings Held	Govt. Accts. (Non-Lienable)	No. of Accts. to Lien	Total Amount Due to Liens
56	\$31,964.94	12	0	18	0	0	0	0	0	2	24	\$14,802.50

RESOLUTION NO.

Adopted by the Sacramento City Council

DECLARING THE DELINQUENT COSTS FOR WEED ABATEMENT WORK FOR 2014 AND 2015 AS SPECIAL ASSESSMENTS AND LIENS ON THE PROPERTIES UPON WHICH THE ABATEMENTS WERE PERFORMED

BACKGROUND

- A. In accordance with Sacramento City Code, Title 8, the owners of the real properties described in Exhibit A have been noticed and informed of the opportunity to protest the placing of unpaid weed abatement costs upon the described real properties as liens.
- B. Each property owner noticed has been afforded an opportunity for an administrative appeal, including a hearing before a Delinquency Lien Hearing Officer.
- C. The City Council held a hearing on this day upon the Hearing Officer's findings and it was established by competent evidence that in each case the work had been performed.
- D. The City Council has found the total cost for such work to be reasonable and closed the public hearing.
- E. The City Council is fully advised in this matter.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Background Statements A through E are true and correct.
- Section 2. There were no protests or objections filed regarding the weed abatement reports.
- Section 3. The reasonable cost for unpaid weed abatement performed shall not exceed \$14,802.50 as set forth in Exhibit A. This amount may be reduced as staff determines necessary.
- Section 4. That, as provided in Section 39577 of the California Government Code, the costs of abatement shall constitute a special assessment against the

properties at which the services were rendered, and shall be collectible at the same time and in the same manner as secured property taxes are collected, and shall be subject to the same penalties, priorities, and procedures in the case of delinquency.

Section 5. That a lien shall attach on the described properties upon recordation of this order in the Office of the County Recorder of the County of Sacramento.

Section 6. The City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

Section 7. Exhibit A is part of this resolution.

Customer	Invoice Number	Name	Property Address	Parcel Number	Service Date	Total Due
C764887A	CDDFWA08740	JOHNSON CLARENCE D	3873 8TH ST	01401740030000	10-05-2013	\$438.03
00114670	CDDFWA09098	0777334 BC LIMITED	0 MACK RD	11801110620000	08-09-2013	\$454.00
00114670	CDDFWA09099	0777334 BC LIMITED	0 MACK RD	11801110630000	08-09-2013	\$636.00
00114670	CDDFWA09100	0777334 BC LIMITED	0 MACK RD	11801110640000	08-09-2013	\$316.00
00114670	CDDFWA09101	0777334 BC LIMITED	0 MACK RD	11801110650000	08-09-2013	\$367.00
00115524	CDDFWA09200	COTTLE DAVID L/MICHAEL J CARROLL	3658 BRET HARTE CT	01301530100000	07-25-2014	\$450.00
5BFF5915	CDDFWA09225	SAKAI LYNN YASUKO	0 HENRIETTA DR	04800810070000	05-27-2014	\$268.10
5AAFC8C1	CDDFWA09229	TRAN TOM	0 SHRADER CR	05301010080000	05-27-2014	\$280.10
A17CD93E	CDDFWA09234	BIRRING INDERJIT S/LAJ CONSTRUCTION CORP	0 JACINTO RD	11702020290000	08-09-2014	\$1,789.88
26F95BA0	CDDFWA09235	LAJ CONSTRUCTION INC	0 SHASTA AV	11702020410000	08-06-2014	\$1,079.40
501C629D	CDDFWA09236	LAJ CONSTRUCTION INC	0 SHASTA AV	11702020420000	08-06-2014	\$1,049.00
793C2623	CDDFWA09237	LAJ CONST INC	8740 BRUCEVILLE RD	11702110240000	07-31-2014	\$1,225.00
00114888	CDDFWA09243	JESSIE AVENUE LLC	4141 DRY CREEK RD	23702000560000	06-26-2014	\$428.77
00114888	CDDFWA09244	JESSIE AVENUE LLC	4135 DRY CREEK RD	23702000740000	06-26-2014	\$295.65

Customer	Invoice Number	Name	Property Address	Parcel Number	Service Date	Total Due
00114888	CDDFWA09245	JESSIE AVENUE LLC	0 JESSIE AV	23702000860000	02-26-2014	\$1,333.52
1C08E76D	CDDFWA09246	JBT INHERITANCE TAX SAVING LLC	1531 NORTH AV	23702410220000	06-27-2014	\$309.65
30A6E0C0	CDDFWA09250	CASTANEDA FELIPE/LAURA	2230 MOGAN AV	23802010070000	06-27-2014	\$307.65
23651CEE	CDDFWA09256	NEWBERRY SYLVIA (EST OF) /ROBERT BETZLER	131 SILVER EAGLE RD	25001300360000	07-15-2013	\$565.75
FFD908D8	CDDFWA09258	WEST DPH LLC	0 SOUTH AV	25003420090000	08-21-2013	\$468.98
00115261	CDDFWA09259	FIRST CAPITAL COMMUNITIES LLC	51 MOREY AV	25003520050000	08-22-2014	\$637.89
00115261	CDDFWA09260	FIRST CAPITAL COMMUNITIES LLC	0 MOREY AV	25003520060000	08-22-2014	\$369.67
305693AD	CDDFWA09261	S/K INV GROUP LLC	30 MORRISON AV	25003520070000	08-22-2014	\$446.67
00115261	CDDFWA09262	FIRST CAPITAL COMMUNITIES LLC	40 MORRISON AV	25003520080000	08-22-2014	\$586.47
8A0F759E	CDDFWA09267	NORTHVIEW VILLAGE APARTMENTS LLC	2350 NORTHVIEW DR	27402320120000	06-26-2014	\$699.32
TOTAL						\$14,802.50