

Meeting Date: 7/26/2016

Report Type: Public Hearing

Report ID: 2016-00694

Title: Delinquent Charges - Special Assessment Liens for Weed Abatement on Private Property and Related Costs

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-Background
- 3-Lien Summary
- 4-Resolution
- 5-Exhibit A

City Attorney Review

Approved as to Form
Joseph Cerullo
7/20/2016 5:57:20 PM

Approvals/Acknowledgements

Department Director or Designee: Leyne Milstein - 7/11/2016 4:31:54 PM

Description/Analysis

Issue Detail: Section 8.28.040 of the City Code requires that costs for weed and rubbish abatement be assessed as a lien against property where the work was done or made a personal obligation of the property owner; it also provides that the cost may be made a special assessment on the property. 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; costs of inspecting the work; and 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 City's final step before placing liens on the properties 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. The City Code requires the City Council to conduct a public hearing at which it confirms, rejects, or modifies the delinquency-lien hearing officer's report, thus providing property owners with an opportunity to address the City Council. Should any property owner object to the special assessment, the public hearing will be limited to the issue of whether the hearing before the delinquency-lien hearing officer was conducted in accordance with applicable City ordinances. The City Council is not required to hear the objections of any property owner who did not appear before the delinquency-lien hearing officer.

Economic Impacts: None

Environmental Considerations: California Environmental Quality Act (CEQA): This report concerns administrative activities and government fiscal activities that do not constitute a "project" subject to CEQA (14 Cal. Code Regs. §§ 15060(c)(3), 15378(b)(2), and 15378(b)(4)).

Sustainability: None

Commission/Committee Action: None

Rationale for Recommendation: These special assessments are for services the City has 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 are \$30,968.53 (Attachment 3).

There were no weed-abatement hearings.

City staff time was required for noticing property owners and handling customer disputes. 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

Background

Since 1996, the City has been using a delinquency-lien hearing officer to hear protests of liens and special assessments for delinquent charges. The delinquent charges owing, and the properties to which to charges apply, are set forth in Exhibit A to the resolution. As required by the City Code and State law, all property owners were notified of the unpaid or delinquent costs, given an opportunity to resolve the issue with City staff, and given an opportunity for a hearing before a delinquency-lien hearing officer. Attachment 3 summarizes the number and total amount of unpaid costs, the number of protests received, and the number of hearings held before the delinquency-lien hearing officer.

City of Sacramento

FY2015/2016 Annual Special Assessments and Lien Summary – Weed Abatement

Number of notices mailed	Total amount due All Notices	Number of accounts paid in full	Number of accounts removed for payment plan or other reason	Number of accounts removed for other collection action (non-liable)	Number of protests received	Number of protests converted to payment plans	Number of protests removed from lien	Number of protests fees reduced	Number of hearings held	Govt. accts. (non-liable)	Number of accts. to lien	Total amount due to liens
87	\$47,767.63	18	2	12	1	0	1	0	0	0	54	\$30,968.53

RESOLUTION NO.

Adopted by the Sacramento City Council

July 26, 2016

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

BACKGROUND

- A. In accordance with title 8 of the Sacramento City Code, the owner of each real property identified in Exhibit A has been notified of the opportunity to protest the unpaid weed-abatement cost the City intends to make a special assessment upon the owner's property.
- B. Each owner has been afforded an opportunity for an administrative appeal, including a hearing before a delinquency-lien hearing officer.
- C. The City Council is not required to hear the objections of any owner who did not appear before a delinquency-lien hearing officer.
- D. There were no weed-abatement hearings.
- E. The City Council has found the total unpaid weed-abatement cost to be reasonable.
- F. 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. The statements in the Background are true.
- Section 2. There were no protests or objections filed regarding the unpaid weed-abatement cost.
- Section 3. The total reasonable cost for unpaid weed abatement performed is not to exceed \$30,968.53, as set forth in Exhibit A. Staff may reduce this amount as staff determines to be necessary.
- Section 4. As provided in Government Code section 39577, the weed-abatement costs constitute a special assessment against the properties where the services were rendered, as set forth in Exhibit A; and the special assessment is collectible at the same time and in the same manner as

secured property taxes are collected and is subject to the same penalties, priorities, and procedures in the case of delinquency.

- Section 5. A lien for the special assessment will attach on the properties identified in Exhibit A upon recordation of this resolution in the Office of the Sacramento County Clerk/Recorder.
- Section 6. The City Clerk is hereby directed to deliver a certified copy of this resolution to the Sacramento County Auditor/Controller.
- Section 7. Exhibit A is part of this resolution.

Customer Number	Item ID	Name	Work/property address	APN	Total Due
00118608	CDDFWA09675	Soin Renu / Rajesh/Rekha	3931 Franklin Blvd	02000440180000	398.95
00117983	CDDFWA09661	JKLM Tax Serv Incorporated	3645 18th Ave	02001310550000	266.20
00118612	CDDFWA09709	JKLM Tax Serv Incorporated	3645 18th Ave	02001310550000	891.20
2F7135D9	CDDFWA09677	Henry Clara C	0 S. Land Park	03100700630000	495.51
00118611	CDDFWA09679	Song/Wol Chong Living Trust	5936 Freeport Blvd	03500540030000	512.60
56561FB7	CDDFWA09683	Krishna Living Trust	6451 Elder Creek Rd	03802100650000	2,073.52
00117973	CDDFWA09630	Kong Joseph	7622 22nd St	05200320050000	268.33
5AAFC8C1	CDDFWA09586	Tran Tom	0 Shrader Cir	05301010080000	381.00
00116545	CDDFWA09310	Mae Nannie Johnson	0 Shrader	05301050110000	4,490.00
00117792	CDDFWA09599	Mae Nannie Johnson	0 Shrader Cir	05301050110000	1,556.60

Customer Number	Item ID	Name	Work/property address	APN	Total Due
00117982	CDDFWA09660	Sitaram Trust	7809 Cotton Lane	11701820120000	417.80
501C629D	CDDFWA09634	Laj Construction Inc.	0 Shasta Ave	11702020410000	1,808.52
501C629D	CDDFWA09635	Laj Construction Inc.	0 Shasta Ave	11702020420000	3,254.87
00117976	CDDFWA09637	Bridgepark Homes Incorporated	5430 Dry Creek Rd	21502300600000	274.10
00117977	CDDFWA09640	Jessie Avenue LLC	4141 Dry Creek Rd	23702000560000	474.51
00117977	CDDFWA09641	Jessie Avenue LLC	4135 Dry Creek Rd	23702000740000	319.45
00117977	CDDFWA09642	Jessie Avenue LLC	0 Jessie Ave	23702000860000	1,361.55
30A6E0C0	CDDFWA09653	Castaneda Felipe/Laura	2230 Mogan Ave	23802010070000	307.65
E5CCDEFB	CDDFWA09688	Gamino Cesar H	3500 Western Ave	25001220150000	584.16
00117980	CDDFWA09658	Green Grow Props LLC	185 Morey Ave	25003410030000	640.03

Customer Number	Item ID	Name	Work/property address	APN	Total Due
FFD908D8	CDDFWA09692	West DPH LLC	0 South Ave	25003420090000	410.43
305693AD	CDDFWA09656	S/K Inv Group LLC	30 Morrison Ave	25003520070000	501.77
00117979	CDDFWA09657	First Capital Communities LLC	40 Morrison Ave	25003520080000	618.85
8FF84249	CDDFWA09693	Chand Shiri	1324 South Ave	25101720020000	268.33
00118598	CDDFWA09707	Saetang Somphong Sam	824 Carmelita Ave	25102410050000	339.20
171455B2	CDDFWA09591	Levinson Trent	930 Rivera Dr	25102920250000	268.33
00118601	CDDFWA09708	Bell, Bennie E	1156 Rivera Dr	25103110490000	254.55
00116544	CDDFWA09309	Eric Estampa	3175 Callecita Ave	26500300110000	472.95
24A1FA72	CDDFWA09702	Freitas Daniel/Judith	1708 Kenwood St	26503710040000	272.10
00116542	CDDFWA09307	Andre Bukaty / West Coast Vila LLC	1817 Iris Ave	26602030150000	337.20

Customer Number	Item ID	Name	Work/property address	APN	Total Due
00117786	CDDFWA09597	Andre Bukaty / West Coast Vila LLC	1817 Iris Ave	26602030150000	282.10
00116543	CDDFWA09308	Scott Coletti	1815 Iris Ave	26602030160000	252.55
00117790	CDDFWA09601	Scott Coletti	1815 Iris Ave	26602030160000	280.10
D8A925AE	CDDFWA09706	Miguel R Ramirez	341 Jefferson	27401810020000	403.30
8A0F759E	CDDFWA09598	Northview Village Apartments LLC	2350 Northview Dr	27402320120000	724.32
00116539	CDDFWA09286	Assent 1 LLC	1001 Silver Charm Way	27703000010000	235.89
00116539	CDDFWA09287	Assent 1 LLC	1007 Silver Charm Way	27703000020000	236.89
00116539	CDDFWA09288	Assent 1 LLC	1015 Silver Charm Way	27703000030000	236.89
00116539	CDDFWA09289	Assent 1 LLC	1023 Silver Charm Way	27703000040000	236.89
00116539	CDDFWA09290	Assent 1 LLC	1031 Silver Charm Way	27703000050000	236.89

Customer Number	Item ID	Name	Work/property address	APN	Total Due
00116539	CDDFWA09291	Assent 1 LLC	1039 Silver Charm Way	27703000060000	236.89
00116539	CDDFWA09292	Assent 1 LLC	1047 Silver Charm Way	27703000070000	235.89
00116539	CDDFWA09293	Assent 1 LLC	2331 Green St	27703000080000	239.00
00116539	CDDFWA09294	Assent 1 LLC	2323 Green St	27703000090000	239.00
00116539	CDDFWA09295	Assent 1 LLC	2315 Green St	27703000100000	239.00
00116539	CDDFWA09296	Assent 1 LLC	2307 Green St	27703000110000	230.00
00116539	CDDFWA09297	Assent 1 LLC	1033 Calvados Ave	27703000130000	239.00
00116539	CDDFWA09298	Assent 1 LLC	1027 Calvados Ave	27703000140000	235.89
00116539	CDDFWA09299	Assent 1 LLC	1034 Silver Charm Way	27703000150000	239.00
00116539	CDDFWA09300	Assent 1 LLC	1026 Silver Charm Way	27703000160000	239.00

Customer Number	Item ID	Name	Work/property address	APN	Total Due
00116539	CDDFWA09301	Assent 1 LLC	1016 Silver Charm Way	27703000170000	239.00
00116539	CDDFWA09302	Assent 1 LLC	1010 Silver Charm Way	27703000180000	239.00
00116539	CDDFWA09303	Assent 1 LLC	0 Evergreen Ave	27703000190000	235.89
00116539	CDDFWA09304	Assent 1 LLC	0 Evergreen Ave	27703000200000	235.89
Total					30,968.53