



# REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

STAFF REPORT  
October 3, 2006

Honorable Members of the  
Law and Legislation Committee

**Subject:** Ordinance Amending Sacramento City Code Regarding the Making of  
Protests and Objections to Recovery of Cost of Nuisance Abatement

**Location/Council District:** City-wide

**Recommendation:**

Staff recommends that the Law and Legislation Committee approve and forward the attached ordinance amendment regarding making written protests and objections to cost recovery of nuisance abatement to the City Council for adoption.

**Contact:** Ron O'Connor, Code Enforcement Manager, 808-8183

**Presenters:** Max B. Fernandez, Code Enforcement Director  
Ron O'Connor, Code Enforcement Manager

**Department:** Code Enforcement Department

**Divisions:** Neighborhood Code Enforcement, Business Compliance and Housing and  
Dangerous Buildings

**Organization Numbers:** 4651, 4652 and 4653

**Summary:**

The proposed ordinance amendments will require cost recovery protests and objections to be filed in written form at least ten (10) days prior to the date specified in the hearing notice. The protest or objection shall include a property description and the reasons for the protest or objection to the cost recovery. If the protest or objection is not filed in the time prescribed, then it shall be continued to a future hearing for consideration. The proposed ordinance amendments will benefit both the customer and staff in that the hearing process will be more efficient and there will be a cost savings from a reduction in overtime and labor costs.

**Committee/Commission Action:** None.

**Background Information:**

Currently, protests and objections to fees for cost recovery associated with nuisance abatement and/or repair or demolition are frequently not received prior to the scheduled hearing date. Also, these protests and objections often are not submitted in written form. It is common that the appeal is scheduled for hearing, and the party who is filing the appeal does not attend the scheduled hearing. This results in an inefficient use of staff time and resources. For example, officers and inspectors are unnecessarily in attendance at hearings as well as spending time in preparation for hearings when they could have been working on their caseload, training, etc. In addition, hearing examiners and the housing board who also have prepared for appeals and protests could have used their time to prepare exclusively for appeals and protests that would actually be heard. Requiring the protest or objection to be filed in written form (a form exists for this purpose) prior to scheduling a hearing will alleviate these scheduling and attendance issues. Although customers are not charged fees to file appeals and protests, the proposed procedural improvement of accepting only protests and objections in written form will result in a reduction of staff overtime, savings of hearing officer and housing board costs, and savings in other related administrative expenses,.

**Financial Considerations:**

Adoption of this ordinance amendment will reduce staff overtime and hearing examiner and housing board costs by conducting appeal hearings only for those cases with written appeals filed in accordance with the proposed amendments.

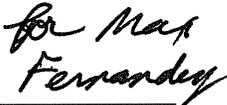
**Environmental Considerations:**

This report is not considered a project and, therefore, has no potential for an effect on the environment as stated by the provisions of the California Environmental Quality Act (Section 15061 (b) (3)).

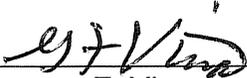
**Policy Considerations:**

The proposed ordinance amendments will benefit both the customer and staff in that the hearing process will be more efficient and there will be a cost savings from a reduction in overtime and labor costs.

**Emerging Small Business Development (ESBD):** There are no ESBD considerations as no goods or services are being purchased.

Respectfully Submitted by:    
Max B. Fernandez  
Director, Code Enforcement Department

Recommendation Approved:



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Gustavo F. Vina  
Assistant City Manager

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**ORDINANCE NO.**

Adopted by the Sacramento City Council  
On \_\_\_\_\_

**AN ORDINANCE AMENDING SECTIONS 8.04.390, 8.04.400  
AND 8.96.340 OF THE SACRAMENTO CITY CODE  
REGARDING THE MAKING OF PROTESTS AND  
OBJECTIONS TO RECOVERY OF COST OF NUISANCE  
ABATEMENT**

**BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:**

**SECTION 1.**

Section 8.04.390 of the Sacramento City Code is hereby amended to read as follows:

8.04.390 Report transmitted to delinquency lien hearing officer.

Upon receipt of the report prepared pursuant to Section 8.04.380 of this chapter, the city clerk shall transmit it to a delinquency lien hearing officer appointed by the city manager for consideration. The delinquency lien hearing officer shall fix a schedule for hearing the report, and any protests or objections thereto. The department head shall cause notice of the hearing schedule before the delinquency lien hearing officer to be mailed to the address of the owner as shown on the last equalized assessment roll or such other address of the owner as may be known to the department head. The notice shall state that all protests or objections shall be filed in accordance with section 8.04.400 of this chapter.

**SECTION 2.**

Section 8.04.400 of the Sacramento City Code is hereby amended to read as follows:

8.04.400 Making of protests and objections.

Any owner of affected property may file a written protest or objection with the Code Enforcement Department at least ten (10) days before the date specified in the notice

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**FOR CITY CLERK USE ONLY**

ORDINANCE NO. \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

given pursuant to Section 8.04.390 of this chapter. Each written protest or objection must contain a description of the property and the grounds of the protest or objection. The Code Enforcement Department shall endorse on every such protest or objection the date it was received. The Code Enforcement Department shall present such protests or objections to the delinquency lien hearing officer at the time set for the hearing, and no other protests or objections shall be considered. Any protests or objections not filed in writing at least ten (10) days prior to the date specified in the notice given pursuant to Section 8.04.390 of this chapter, and for which City staff is not prepared to address, shall be continued to the date and time of a future hearing for consideration by the delinquency lien hearing officer.

**SECTION 3.**

Section 8.96.340 of the Sacramento City Code is hereby amended to read as follows:

8.96.340 Making of protests and objections.

Any person interested in or affected by the proposed charge may file written protests or objections with the Code Enforcement Department at least ten (10) days prior to the time set for the hearing on the report of the engineer. Each written protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The Code Enforcement Department shall endorse on every such protest or objection the date it was received. The Code Enforcement Department shall present such protests or objections to the housing board at the time set for the hearing, and no other protests or objections shall be considered. Any protests or objections not filed in writing at least ten (10) days prior to the time set for the hearing on the report of the engineer, and for which City staff is not prepared to address, shall be continued to the date and time of a future hearing on such reports for consideration by the housing board.

DATE PASSED FOR PUBLICATION:  
DATE ENACTED:  
DATE EFFECTIVE:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

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Upon receipt of the report prepared pursuant to Section 8.04.380 of this chapter, the city clerk shall transmit it to a delinquency lien hearing officer appointed by the city manager for consideration. The delinquency lien hearing officer shall fix a schedule for hearing the report, and any protests or objections thereto. The department head shall cause notice of the hearing schedule before the delinquency lien hearing officer to be mailed to the address of the owner as shown on the last equalized assessment roll or such other address of the owner as may be known to the department head. The notice shall state that all protests or objections shall be filed in accordance with section 8.04.400 of this chapter. ~~The notice shall set the date and time by which objections or protests shall be filed with the director of finance. No objection or protest received after that date and time shall be final.~~

**SECTION 2.**

Section 8.04.400 of the Sacramento City Code is hereby amended to read as follows:

8.04.400 Making of protests and objections.

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Any owner of affected property may file a written protest or objection with the Code Enforcement Department director of finance at least ten (10) days before the date specified in the notice given pursuant to Section 8.04.390 of this chapter. Each written protest or objection must contain a description of the property and the grounds of the protest or objection. The Code Enforcement Department shall endorse on every such protest or objection the date it was received. The Code Enforcement Department shall present such protests or objections to the delinquency lien hearing officer at the time set for the hearing, and no other protests or objections shall be considered. Any protests or objections not filed in writing at least ten (10) days prior to the date specified in the notice given pursuant to Section 8.04.390 of this chapter, and for which City staff is not prepared to address, shall be continued to the date and time of a future hearing for consideration by the delinquency lien hearing officer.

**SECTION 3.**

Section 8.96.340 of the Sacramento City Code is hereby amended to read as follows:

8.96.340 Making of protests and objections.

Any person interested in or affected by the proposed charge may file written protests or objections with the Code Enforcement Department city clerk at least ten (10) days prior to the time set for the hearing on the report of the engineer ~~or may make an oral protest at the meeting~~. Each written protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The Code Enforcement Department city clerk shall endorse on every such protest or objection the date it was received. The Code Enforcement Department city clerk shall present such protests or objections to the housing board at the time set for the hearing, and no other protests or objections shall be considered. Any protests or objections not filed in writing at least ten (10) days prior to the time set for the hearing on the report of the engineer, and for which City staff is not prepared to address, shall be continued to the date and time of a future hearing on such reports for consideration by the housing board.

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