



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2671

www.CityofSacramento.org

15

CONSENT

August 22, 2006

Honorable Mayor and
Members of the City Council

Title: Code Enforcement Case Fees and Penalties – Findings of Fact for Special
Assessment Liens

Location/Council District: Citywide

Recommendation:

Adopt a Resolution placing liens on the properties for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Ron O'Connor, Code Enforcement Manager

Presenter: Ron O'Connor

Department: Code Enforcement

Organization No: 4651

Description/Analysis:

Issue: Collection of delinquent fees and penalties are brought before the City Council to secure the debt by placing liens on the properties for which the fees and penalties were imposed pursuant to Titles 8.96 and 8.100 of the Sacramento City Code.

Policy Considerations:

Conducting the lien hearing is in accordance with Sacramento City Code Titles 8.96 and 8.100. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner or hearing board for the stated violation. Each owner was afforded the additional opportunity to protest the imposition of the fees and penalties at a special assessment delinquency lien hearing.

Code Enforcement activities, including the related lien process, are consistent with policies associated with the City's goal to enhance and preserve the neighborhoods.

Environmental Considerations:

The proposed resolution will not have any adverse environmental impact.

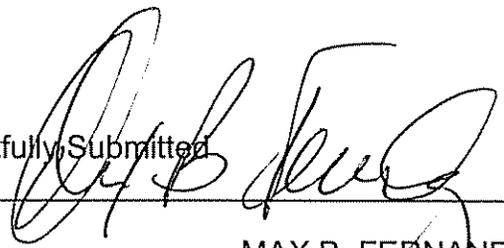
Committee/Commission Action: None

Financial Considerations:

Lien 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 liens would be included in the approved budget.

Emerging Small Business Development (ESBD):

Not Applicable

Respectfully Submitted
by: 
MAX B. FERNANDEZ
Director, Code Enforcement Department

Recommendation Approved:

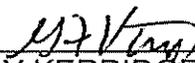

RAY KERRIDGE
City Manager

Table of Contents:

Pg 1-2 Report

Attachments

Pg 3 1 Background Information

Pg 4-5 2 Draft Resolution

Pg 6 3 Findings of Fact for Special Assessment Liens

Background Information:

Prior to the assessment of fees and penalties, each property owner was issued the appropriate legal notices, as set forth in Titles 8.96 and 8.100, and was afforded an opportunity to appear before the Housing Code Advisory and Appeals Board (HCAAB) and/or an appointed third-party examiner. Subsequent to the hearing, a "Decision of HCAAB or Hearing Examiner" notice was issued and mailed to the property owner. Included in this notice were findings and the specific fees and penalties. The decision of the HCAAB or 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. Sacramento City Code, Chapter 8.100 Article XVI allows the City Council to order the penalty be made both as a personal obligation and a special assessment against the property.

Each property owner listed on the attachment has received all required notices under Titles 8.96 and 8.100, and has been afforded both an opportunity to appear for an administrative hearing and a special assessment hearing. Each has received a final decision notice. None of the listed owners has paid the fees and penalties.

We submit this Resolution to the City Council for declaration of a special assessment.

RESOLUTION NO.

Adopted by the Sacramento City Council

ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS FOR CODE ENFORCEMENT CASE FEES AND PENALTIES

BACKGROUND

- A. The Code Enforcement Department, in accordance with Sacramento City Code, Chapter 8.96.320 and 8.04.110 did provide a hearing before the appointed third-party Hearing Examiner to consider all protests for unpaid fees and penalties, if any.
- B. Notice of the time and place of hearing was given in accordance with Sacramento City Code, Chapter 8.96.320 and 8.04.110; and
- C. The Code Enforcement Department, established by competent evidence before the Hearing Examiner that the unpaid fees and penalties had been imposed in accordance with City Code.
- D. The Code Enforcement Department, established by competent evidence before the Hearing Examiner that in each case the unpaid fees and penalties are due.
- E. The City Council has found the unpaid fees and penalties to be a reasonable cost.

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

- 1. The reasonable penalties in the aggregate amount not to exceed \$16,052.25 for paid fees and penalties is the sum set forth by the HCAAB and/or appointed third-party Hearing Examiners' findings of fact of hearing held May 24, 2006. This amount may be reduced as staff determines necessary.
- 2. As provided in Section 38773.5 of the California Government Code, the City of Sacramento is entitled to and hereby attaches special assessment liens upon the described properties upon recordation in the office of the County Recorder of the County of Sacramento.
- 3. Such liens 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.
- 4. Such lien also constitutes a personal obligation against the owner of the property.

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	004-0066-007-0000	C050003819	260 Meister Way	Reuter Jonathan	\$875.00	NS060244	3	0206
2	010-0366-005-0000	C050043065	3132 3rd Ave	Wold Grace J./Lester C. E.	\$875.00	NS060236	5	0206
3	013-0351-021-0000	C050045794	3725 9th Ave	Palmer Murlyne	\$975.00	NS060235	5	0206
4	020-0273-018-0000	V050039185	3717 22nd Ave	Hostert R. A.	\$185.00	NS060234	5	0206
5	038-0223-006-0000	V050046617	7490 Rock Creek Way	Valdovinos J Roberto R/Aguayo Beatriz A	\$185.00	NS060209	6	0206
6	038-0343-010-0000	C050022592	7185 Rock Creek Way	Long Beach Mig Loan Trust 2003-4	1,500.00	CEAP060012	6	0206
7	038-0343-010-0000	C050022592	7185 Rock Creek Way	Long Beach Mig Loan Trust 2003-4	\$1,100.00	NS060227	6	0206
8	040-0061-008-0000	V050036359	6411 Aliso Way	Sims Shirley	\$185.00	NS060210	6	0206
9	040-0082-008-0000	V050041959	7728 Vallecitos	King Johnnie M.	\$260.00	NS060233	6	0206
10	050-0461-006-0000	C060002615	4595 Cedarwood Way	Farrington Gail M.	\$185.00	NS060224	8	0206
11	237-0022-081-0000	C050002211	4391 Pell Drive	JB Management LP & Key Builders Supply Inc.	\$875.00	NS060226	2	0206
12	250-0071-008-0000	C050031209	628 Harris Ave	Brymer Ron	\$1,500.00	CEAP060013	2	0206
13	250-0071-008-0000	C050031209	628 Harris Ave	Brymer Ron	\$875.00	NS060232	2	0206
14	265-0122-044-0000	C050043248	2905 Clay St	Cook Roger W.	\$185.00	NS060237	2	0206
15	265-0222-005-0000	C050022788	2820 Del Paso Blvd	John Short III	\$1,000.00	CEAP060005	2	0206
16	265-0222-005-0000	C050022788	2820 Del Paso Blvd	John Short III	\$1,050.00	NS060146	2	0206
17	275-0014-003-0000	C050015090	112 El Camino Ave	Leroy Joseph Clark	\$643.18	NS050311	2	0206
18	275-0014-003-0000	C050024052	112 El Camino Ave	Leroy Joseph Clark	\$3,599.07	NS060250	2	0206

\$16,052.25

TOTAL TO BE LIENED: