



REPORT TO COUNCIL

City of Sacramento

16

915 I Street, Sacramento, CA 95814-267
www.CityofSacramento.org

CONSENT
August 22, 2006

Honorable Mayor and
Members of the City Council

Title: Housing 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: Randy Stratton, Chief of Housing and Dangerous Buildings

Presenter: Randy Stratton

Department: Code Enforcement

Division: Housing and Dangerous Buildings

Organization No: 4653

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.

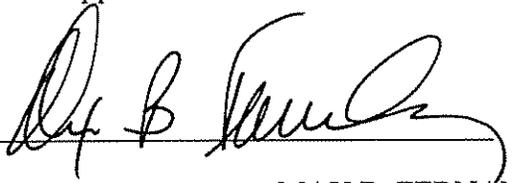
Code Enforcement activities, including the related lien process, are consistent with policies associated with the City's goal to enhance and preserve the neighborhoods.

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:

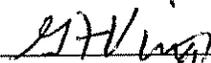

RAY KERRIDGE
City Manager

Table of Contents:

	Report	pg. 1-2
Attachments		
1	Background Information	pg. 3
2	Draft Resolution	pg. 4-5
3	Findings of Fact for Special Assessment	pg. 6-7

Attachment 2

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 exhibit 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 HOUSING CASE FEES AND
PENALTIES**

BACKGROUND

- A. The Code Enforcement Department, Housing & Dangerous Buildings Inspections, in accordance with Sacramento City Code, Chapter 8.96 Article IX provided a hearing before the Housing Code Advisory and Appeals Board (HCAAB) and/or 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 Article IX.
- C. The Code Enforcement Department, Housing & Dangerous Buildings Inspections, established by competent evidence before the HCAAB and/or appointed third-party Hearing Examiner that in each case the unpaid fees and penalties had been imposed in accordance with City Code.
- D. The Code Enforcement Department, Housing & Dangerous Buildings Inspections, established by competent evidence before the HCAAB and/or appointed third-party 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 \$42,891.77 for paid fees and penalties is the sum set forth by HCAAB and/or appointed third-party Hearing Examiner findings in fact of hearing held May 10, 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.

Table of Contents:

Attachment pg 6-7

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	002-0082-022-0000	H030034350	1231 D Street	Jason & Maria A. Glennon	\$855.00	HCE060228	3	0656
2	007-0256-012-0000	H050033530	1508 24th St	Karen Meyer Campbell	\$87.00	HCE060132	3	0656
3	007-0256-012-0000	H050033530	1508 24th St	Karen Meyer Campbell	\$195.00	HCE060133	3	0678
4	009-0062-019-0000	609TST00	609 T Street	Paul F. & Catherine S. Culver	\$2,894.00	HSAP040004	4	0656
5	010-0205-007-0000	3324VST01	3324 V St	Bruce Thomas	\$2,499.00	HSAP060017	5	0656
6	012-0224-017-0000	E050019489	1849 Bidwell Wy	Margorie J. Ambrose	\$1,300.47	VECT060009	4	0656
7	015-0251-045-0000	H040006359	5017 13th Ave	James M. Wilson	\$935.00	HCE060142	5	0656
8	024-0251-011-0000	H050014007	1261 43 rd Ave	Heidi Dahlke	\$85.00	HCE060220	2	0656
9	024-0251-011-0000	H050014007	1261 43 rd Ave	Heidi Dahlke	\$1,314.00	HCE060221	2	0678
10	031-0300-018-0000	E030012697	7064 Riverside Bl	Humberto & Rae Linda Wheeler De Quero	\$6,418.00	VECT060010	7	0656
11	038-0091-004-0000	H040035613	6130 Lemon Hill Av	Ricardo M. Serrano	\$185.00	HCE060164	6	0656
12	038-0091-004-0000	H040035613	6130 Lemon Hill Av	Ricardo M. Serrano	\$6,035.00	HCE060165	6	0201
13	048-0024-008-0000	H050015250	1428 Lomas Way	Tilton R. Lands	\$1,170.00	HCE060204	8	0656
14	048-0024-008-0000	H050015250	1428 Lomas Way	Tilton R. Lands	\$1,324.94	HCE060205	8	0678
15	052-0134-005-0000	H050034943	7725 18 th St	Palmer Murlyne	\$260.00	HCE060253	8	0656
16	252-0012-001-0000	H050025914	1726 North Ave	Yolanda Calvin	\$2,285.00	HCE060247	2	0657
17	252-0012-001-0000	H050025914	1726 North Ave	Yolanda Calvin	\$185.00	HCE060246	2	0656
18	252-0112-002-0000	H040026857	3737 Jasmine St	Paul Hamilton	\$1,155.00	HCE060254	2	0656
19	265-0151-024-0000	H040033651	1638 Eldridge Ave	Rebecca Luu	\$1,347.00	HCE060248	3	0656
20	265-0151-024-0000	H040033651	1638 Eldridge Ave	Rebecca Luu	\$1,902.00	HCE060249	3	0678
21	265-0151-031-0000	H050012379	1641 Kathleen Av	Robert and Rhonda Avara	\$1,227.00	HCE060240	2	0656

22	265-0151-031-0000	H050012379	1641 Kathleen Av	Robert and Rhonda Avara	\$4,615.20	HCE060241	2	0201
23	265-0171-028-0000	H050002961	1053 Las Palmas Av	Thomas and Soua Her	\$1,322.00	HCE060242	2	0656
24	265-0171-028-0000	H050002961	1053 Las Palmas Av	Thomas and Soua Her	\$2,764.08	HCE060243	2	0678
25	265-0171-028-0000	H050002961	1053 Las Palmas Av	Thomas and Soua Her	\$532.08	HCE060264	2	0678

TOTAL TO BE LIENED:

\$42,891.77