



# REPORT TO COUNCIL 20

## City of Sacramento

915 I Street, Sacramento, CA 95814-2604  
www.CityofSacramento.org

CONSENT  
October 17, 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

**Presenters:** 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

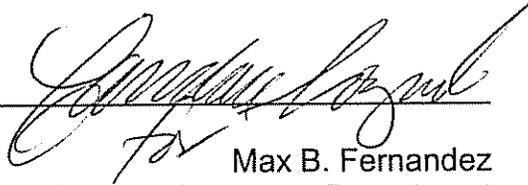
**Environmental Considerations:** The proposed resolution will not have any adverse environmental impact.

**Commission/Committee Action:** None

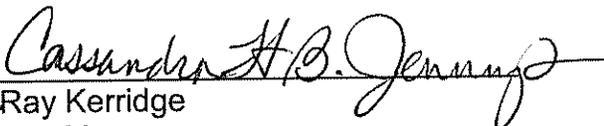


**Financial Considerations:** Lien accruals will be made through County tax collections. The City will also receive partial reimbursement from monies collected by the County based on the "Teeter" legislation agreement with the County. Any money generated from these liens would be included in the approved budget.

**Emerging Small Business Development (ESBD):** Not Applicable

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

Recommendation Approved:

  
for Ray Kerridge  
City Manager

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**Attachment 1**

**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.

**Attachment 2**

**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 \$13,405.00 for unpaid fees and penalties is the sum set forth by the HCAAB and/or appointed third-party Hearing Examiners' findings of fact of hearing held August 23, 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.

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**Attachment pg 6**

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	002-0086-012-0000	C050029812	314 15th Street	Sacramento Cellular Telephone Co.	\$185.00	NS060228	3	0206
2	010-0114-007-0000	C060004479	2518 U Street	Joseph C Ongaro	\$500.00	NS060287	4	0206
3	014-0085-024-0000	C050032398	4323 2nd Av	Stockton Blvd Partners LLC	\$2,000.00	CEAP060016	5	0206
4	014-0085-024-0000	C050032398	4323 2nd Av	Stockton Blvd Partners LLC	\$875.00	NS060262	5	0206
5	020-0061-026-0000	C060005068	4009 36th St	Lucile Blanchard 1992	\$925.00	NS060304	5	0206
6	040-0051-001-0000	C050039285	7438 Elder Creek	Virendra Mishra Acharya 2004	\$1000.00	NS060302	6	0206
7	040-0171-027-0000	V050044281	3533 39th St	Shirley Rose Pickens	\$950.00	NS060295	6	0206
8	040-0171-027-0000	C060002961	6625 Rancho Pico Wy	Robert J. Vann	\$875.00	NS060297	6	0206
9	049-0440-046-0000	G050045447	7324 Luther Drive	Aliana W & Andrew O. Kong	\$595.00	GA060003	8	0206
10	053-0093-014-0000	C060001637	3657 Fallis Cr	Gustavo A. Rios	\$950.00	NS060274	7	0206
11	053-0095-018-0000	V050043840	7843 Detroit Blvd	Faletui Faraamo & Lillian A	\$765.00	NS060214	7	0206
12	053-0151-012-0000	C060003528	7904 Burlington Wy	Rafaela Smith	\$875.00	NS060289	7	0206
13	250-0281-002-0000	V060007904	114 Ford Rd	Samuel A & Carmen Silva	\$875.00	NS060278	2	0206
14	250-0281-038-0000	V060005786	120 Ford Rd	Ana Edilia Anchondo	\$875.00	NS060285	2	0206
15	251-0171-011-0000	C060005590	3535 Osmer Ln	Samuel Pearl	\$285.00	NS060306	2	0206
16	263-0242-018-0000	C050033555	679 El Camino	Dorrian Freeman & Gracie Nelson	\$875.00	NS060292	2	0206
<b>TOTAL TO BE LIENED</b>					<u>\$13,405.00</u>			

