REPORT TO COUNCIL
City of Sacramento

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

Consent
November 14, 2006

Honorable Mayor and
Members of the City Council

Title: Ordinance Amending Sacramento City Code Regarding the Making of Protests and Objections to Cost Recovery

Location/Council District: City-wide

Recommendation: Adopt an **Ordinance** amending Sections 8.04.390, 8.04.400 and 8.96.340 of the Sacramento City Code regarding making written protests and objections to cost recovery of nuisance abatement and cost of repair, demolition and securing of buildings and structures.

Contact: Max Fernandez, Director of Code Enforcement, (916) 808-7940; Randy Stratton, Chief of Housing & Dangerous Buildings, (916) 808-6497; and Ron O'Connor, Code Enforcement Manager, (916) 808-8183

Presenters: Not applicable

Department: Code Enforcement

Division: Neighborhood Code Enforcement, Business Compliance, and Housing & Dangerous Buildings

Organization No: 4651, 4652 & 4653

Description/Analysis

Issue: The current City Code states that a written protest or objection may be filed with the city clerk prior to the scheduled hearing as noticed. This proposed amendment specifies that the protests or objections must be filed in writing at least ten (10) days prior to the time set for the hearing. If the protest or objection is not filed in writing according to the date specified in the notice given pursuant to Section 8.04.390 of this chapter with the proper description of the property and including the grounds for the protest or objection, then the protest or objection shall be scheduled for a future date and time for consideration by the hearing officer or the housing board. Implementing the above filing requirements for written protests and objections of cost recovery will streamline the hearing process and result in savings of labor, overtime, and administrative costs.

Policy Considerations: The proposed ordinance amendments will benefit both customers and staff by making the hearing process more efficient and reducing

overtime, labor, and administrative costs. The increased hearing efficiency will also improve staff scheduling of hearings as well as of other job assignments and responsibilities.

Environmental Considerations: This recommendation does not constitute a "project" and there're is exempt from the California Environmental Quality Act (CEQA) according to Section 15061 (b) (1) and 15378(b)(3) of the CEQA guidelines.

Financial Considerations: The proposed ordinance will reduce staff overtime as well as hearing examiner and housing board costs by conducting appeal hearings only for those cases with written appeals filed in accordance with the proposed amendments.

Emerging Small Business Development (ESBD): Not applicable.

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

Recommendation Approved:

Cassandra H.B. Jennings
for Ray Kerridge
City Manager

Table of Contents:

	Report	pg. 1-2
Attachments		
1	Background	pg. 3
2	Ordinance (clean)	pg. 4-5
3.	Ordinance (redline)	pg. 6-7

Background **Attachment 1**

Current code allows protests and objections to fees for cost recovery associated with *nuisance abatements* to be filed by any owner of the affected property with the finance director as specified in the notice given to the owner pursuant to Section 8.04.390 of this chapter. The proposed ordinance amendment states that the filing may be made with the *Code Enforcement Department* including a description of the property and the grounds of the protest or objection (as was required previously). In addition, the protests or objections shall have the requirements of being in writing and filing at least ten (10) days prior to the date specified in the notice (see above). Notice of the hearing schedule shall be mailed to the property owner at least thirty (30) days prior to the date of the scheduled hearing. If the protest or objection is not filed according to the above requirements, and for which City staff is not prepared to address, then it shall be continued to a future hearing for consideration by the delinquency lien hearing officer.

Also included in the proposed amendment is that protests and objections to fees for cost recovery associated with *repairs, demolitions, and securing of buildings and structures* may be filed with the Code Enforcement Department in writing by any person interested in or affected by the proposed charge at least ten (10) days prior to the date specified in the notice. If the protest or objection is not filed according to the requirements of this ordinance, and for which City staff is not prepared to address, then it shall be continued to a future hearing for consideration by the housing board.

At present, frequently the party who has filed the protest or objection fails to attend the scheduled hearing. This results in an inefficient use of staff time and resources. In addition, hearing examiners and housing board members who have also unnecessarily prepared for the protests and objections could have used their time to prepare only for those protests/objections actually presented at the hearing. Requiring the protest or objection to be filed in written form and at least ten (10) days prior to the date specified in the notice will alleviate scheduling issues, reduce costs for unnecessary staff overtime, and result in potential savings of hearing officer and housing board costs and other related administrative expenses as well as a better use of staff resources.

On October 31, 2006, the City Council passed the Ordinance title for publication as required by Sacramento City Charter 32(c). The Ordinance title was published in the Daily Recorder newspaper by the City Clerk on November 3, 2006.

ATTACHMENT 2

ORDINANCE NO.

Adopted by the Sacramento City Council
On

AMENDING SECTIONS 8.04.390, 8.04.400, 8.96.330 AND 8.96.340 OF THE SACRAMENTO CITY CODE REGARDING THE MAKING OF PROTESTS AND OBJECTIONS TO RECOVERY OF COST OF NUISANCE ABATEMENT AND COST OF REPAIR, DEMOLITION AND SECURING OF BUILDINGS AND STRUCTURES

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

SECTION 1.

~~Section 8.04.390 of the Sacramento City Code is 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 scheduled before the delinquency lien hearing officer to be mailed at least thirty (30) days prior to the date of the scheduled hearing 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 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 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 set for the hearing, and for which City staff is not prepared to address, shall be continued to the date of a future hearing for consideration by the delinquency lien hearing officer.

SECTION 3.

Section 8.96.330 of the Sacramento City code is amended to read as follows:

Upon receipt of the report, the city clerk shall present it to the housing board for consideration. The housing board shall fix a time, date and place for hearing the report, and any protests or objections thereto. The city clerk shall cause notice of the hearing to be mailed by certified mail, postage prepaid, addressed to the persons entitled to notice pursuant to subsection C of Section 8.96.130 of this chapter as their names and address appear on the last equalized roll of the county, if such so appears, or as know to the clerk. Such notices shall be mailed at least thirty (30) days prior to the date set for the hearing and shall specify the day, hour, and place when the housing board will hear and pass upon the engineer's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge. All costs associated with serviced of the notice shall be added to total expenses to be reviewed by the housing board.

SECTION 4.

Section 8.96.340 of the Sacramento City Code is 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 date 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 of a future hearing on such reports for consideration by the housing board.

ATTACHMENT 3

ORDINANCE NO.

Adopted by the Sacramento City Council
On

AMENDING SECTIONS 8.04.390, 8.04.400, 8.96.330 AND 8.96.340 OF THE SACRAMENTO CITY CODE REGARDING THE MAKING OF PROTESTS AND OBJECTIONS TO RECOVERY OF COST OF NUISANCE ABATEMENT AND COST OF REPAIR, DEMOLITION AND SECURING OF BUILDINGS AND STRUCTURES

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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 scheduled before the delinquency lien hearing officer to be mailed at least thirty (30) days prior to the date of the scheduled hearing 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 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 ~~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 set for the hearing, and for which City staff is not prepared to address, shall be continued to the date of a future hearing for consideration by the delinquency lien hearing officer.

SECTION 3.

Section 8.96.330 of the Sacramento City Code is amended to read as follows:

8.96.330 Report transmitted to housing board.

Upon receipt of the report, the city clerk shall present it to the housing board for consideration. The housing board shall fix a time, date and place for hearing the report, and any protests or objections thereto. The city clerk shall cause notice of the hearing to be ~~served~~ mailed by certified mail, postage prepaid, addressed to the persons entitled to notice pursuant to subsection C of Section 8.96.130 of this chapter as their names and address appear on the last equalized roll of the county, if such so appears, or as know to the clerk. Such notices shall be ~~given~~ mailed at least ~~ten (10)~~ thirty (30) days prior to the date set for the hearing and shall specify the day, hour, and place when the housing board will hear and pass upon the engineer's report, together with any objections or protests which may be filed as hereinafter provided by any person interested in or affected by the proposed charge. All costs associated with serviced of the notice shall be added to total expenses to be reviewed by the housing board.

SECTION 4.

Section 8.96.340 of the Sacramento City Code is 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 date 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 of a future hearing on such reports for consideration by the housing board.