



# REPORT TO COUNCIL

## City of Sacramento

# 13

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

CONSENT  
December 05, 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 in the amount of \$39,653.35 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:** n/a

**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.

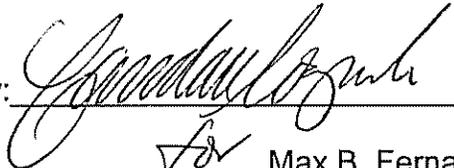
**Commission/Committee Action:** None



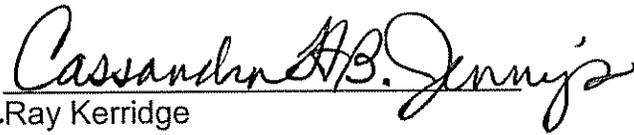
**Rationale for Recommendation:** None

**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

**Table of Contents:**

Report	pg. 1-2
<b>Attachments</b>	
1 Background	pg. 3
2 Resolution	pg. 4-5
3 Findings of Fact	pg. 6-7

**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 \$39,653.35 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 October 25, 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	003-0113-008-0000	C060007733	3140 B	Hoa Nguyen	\$185.00	NS070009	3	0206
2	013-0284-015-0000	C050043063	3334 33rd	Emanuel L. Grant & Estate of et al	\$7,089.45	NS070003	5	0206
3	013-0403-002-0000	C060009783	3500 Martin Luther King	Ervin Berry	\$850.00	NS060334	5	0206
4	020-0022-008-0000	C040032908	3464 12th Ave	Tasha Norris	\$500.00	NS060315	5	0206
5	020-0061-019-0000	06-003000	3613.5 16th	David B. Takach	\$3,578.90	NS070002	5	0206
6	020-0061-028-0000	C060005069	3916 37th	Lucille Blanchard 1992 Trust C/O Diane Buffington	\$1,375.00	NS060338	5	0206
7	020-0112-064-0000	C060006511	3221 19th Ave	Bal Som/Family Urmil	\$950.00	NS060322	5	0206
8	023-0282-029-0000	06-004827	5470 80th	William S. & Catherine J. Hambroek	\$875.00	NS070010	6	0206
9	023-0321-015-0000	C060006573	4969 Toronto Way	Christina M Duran	\$335.00	NS060332	6	0206
10	027-0341-041-0000	C060008160	5940 Power Inn	Lalita & Vijendra Prasad	\$875.00	NS070007	6	0206
11	030-0092-015-0000	C060004661	6550 Driftwood St	Brady Family	\$1,025.00	NS060293	7	0206
12	031-0070-073-0000	06-006987	7548 Greenhaven	Sacramento GC Assisted Living LLC	\$185.00	NS070006	7	0206
13	031-0660-042-0000	06-004331	610 Blue Water	Lutz Family C/O Idell M Lutz	\$875.00	NS070005	7	0206
14	035-0082-015-0000	E050047358	6130 McLaren	Charles Lee Ellington	\$1,500.00	CEAP060021	4	0206
15	035-0082-015-0000	E050047358	6130 McLaren	Charles Lee Ellington	\$1,230.00	VECT060016	4	0206
16	035-0213-006-0000	06-001073	6748 Hogan	J/E Real Estate Investors LLC	\$690.00	NS060342	5	0206
17	035-0253-001-0000	06-005527	6900 Hogan	Milton McLaurin	\$185.00	NS070011	5	0206
18	035-0271-014-0000	06-003035	2132 56th Ave	Anthony & Elaine Francis	\$950.00	NS060326	5	0206
19	038-0202-001-0000	C050028955	6301 63rd	Raghendra & Kiran Rawat Singh	\$3,000.00	CEAP060020	6	0206
20	038-0202-001-0000	C050028955	6301 63rd	Raghendra & Kiran Rawat Singh	\$875.00	NS060339	6	0206

## Code Enforcement Case Fees &amp; Penalties-Liens

December 5, 2006

21	040-0230-031-0000	C060002975	131 Prairie Circle	Janus A. Hembree	\$950.00	NS060299	6	0206	
22	052-0093-005-0000	E060000001	2296 Babette	Bob & Laura Lorange	\$955.00	VECT060014	8	0206	
23	250-0352-008-0000	C060001399	40 Morrison	Long C/O Russell J Moynagh	\$875.00	NS070016	2	0206	
24	251-0163-004-0000	C050041258	1118 South Av	Saovafa Daoheuang	\$1,025.00	NS060294	2	0206	
25	251-0230-039-0000	06-001272	3310 Marysville	Muhammad Ahmad Javed	\$875.00	NS070013	3	0206	
26	251-0253-011-0000	V060008779	1109 Rivera Dr	Edwin O Amuneke & Separate Property Trust	\$260.00	NS060283	2	0206	
27	265-0210-039-0000	C060006790	1120 Los Palmas Av	Hermunia & Amador Salvador Brambila	\$260.00	NS060276	2	0206	
28	266-0311-016-0000	V050041947	2631 Crosby	Joanne Marie Raybron	\$5,675.00	NS060336	3	0206	
29	277-0011-008-0000	C060008945	2485 Boxwood	Jorge Vasquez	\$875.00	NS060337	2	0206	
30	277-0175-003-0000	06-001331	2213 Middleberry	Albert & Phyllis Ross	\$775.00	NS060335	3	0206	
<b>TOTAL TO BE LIENED</b>					<u>\$39,653.35</u>				