REPORT TO COUNCIL
City of Sacramento

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

PUBLIC HEARING
January 16, 2007

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: Conduct a public hearing and upon conclusion adopt a **Resolution** placing liens on the properties in the amount of $17,919.32 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:

Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:

Cassandra H.B. Jennings
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 $17,919.32 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 December 13, 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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Code Enforcement Case Fees & Penalties-Liens January 16, 2007

Attachment 3

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	014-0244-002-0000	06-007791	4008 11th Av	Gail & Ronnie Allen	$185.00	NS070074	5	0206
2	018-0032-004-0000	C060005264	2046 16th	Robert W. & Kathryn A. Luoma	$2,000.00	CEAP070001	5	0206
3	018-0032-004-0000	C060005264	2046 16th	Robert W. & Kathryn A. Luoma	$950.00	NS070008	5	0206
4	019-0161-050-0000	C060007200	3031 26th Av	Dan Cojocnean	$500.00	CEAP070007	5	0206
5	019-0161-050-0000	C060007200	3031 26th Av	Dan Cojocnean	$875.00	NS070063	5	0206
6	020-0144-020-0000	C050015378	3964 17th Av	Estate of Robert W Wickham	$7,052.16	NS070060	5	0206
7	021-0324-007-0000	06-001688	4730 67th St	Jose M. Borrego	$400.00	NS070086	6	0206
8	023-0134-006-0000	06-008959	5212 Cabrillo Wy	Catherine Buber-Chatten	$875.00	NS070080	6	0206
9	024-0062-021-0000	06-008510	1117 Seamas Av	Wells Fargo Bank	$1,012.16	NS070064	4	0206
10	036-0133-006-0000	C050041768	6648 30th St	Valeriy & Vera Zhuk	$125.00	CEAP070006	5	0206
11	036-0133-006-0000	C050041768	6648 30th St	Valeriy & Vera Zhuk	$875.00	NS070062	5	0206
12	052-0044-009-0000	06-005086	2262 Craig Av	Bernardo A & Frances C Flores	$875.00	NS070079	8	0206
13	238-0201-023-0000	C060001068	2328 Dorothy June Wy	Oleg Filenko/Vyachaslav Shvets	$875.00	NS070067	2	0206
14	265-0112-011-0000	V050012532	977 Alamos	Kili Jenkins	$875.00	NS070059	2	0206
15	265-0210-069-000	C060005963	1116 Las Palmas	Karen A. Curtin & Anthony Hughes	$260.00	NS070017	2	0206
16	265-0222-022-0000	06-004293	2915 Taft St	Robert Badley Jr.	$185.00	NS070065	2	0206
				TOTAL TO BE LIENED	$17,919.32			